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List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. No. 85]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

GRAIN SORGHUM ENDORSEMENT

Correction

In F.R. Doc. 66–7648, appearing at page 9545 of the issue for Thursday, July 14, 1966, the following approval should appear at the end of the document, after the signature and title of Earll H. Nikkel:

Approved: July 8, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1966

Basis and purpose and statement of bases and considerations. The purpose of this amendment to Sugar Regulation 811 (30 F.R. 15313, 31 F.R. 2776, 2895, 3283, 5681, 8536, 9546) is to revise the determination of sugar requirements for the calendar year 1966 and to establish quotas, prorations and direct-consumption limits thereof consistent with such requirements pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act".

Section 201 of the Act directs the Secretary to revise the determination of sugar requirements at such times during the calendar year as he deems necessary in order to meet the needs of consumers. Prior to the current period of hot weather over most of the Nation, it was apparent that sugar was being sold at a rate slightly higher than that expected on a seasonally adjusted basis. The hot weather now prevailing has added impetus to that tendency. At this point it appears likely that sugar consumption during the calendar year will exceed the 10.1 million short tons, raw value, which was estimated at the time 1966 sugar requirements were initially established in December of last year. With the heavy consuming season at hand, as augmented by the current high temperatures, additional sugar supplies will be required to adequately serve the needs of the market. Accordingly, total sugar requirements for the calendar year 1966 are hereby increased to a total of 10,225,000 short tons, raw value.

Section 202(a)(2)(B) provides that the quota otherwise established for Hawaii shall be increased within prescribed limits on the basis of the quantity of sugar available for marketing in the continental United States stemming from increased production. A determination of the amount of sugar so available for marketing under the statute has been under consideration. Such determination has been made and the Hawaiian quota is increased in accordance with the requirements of the statute. The quota for Hawaii for calendar year 1966 is hereby established at 1,200,227 short tons, raw value.

Effective date. This action increases the quotas for foreign countries by 98,247 short tons, raw value. To permit such countries to plan and to market this larger quantity of sugar in an orderly manner, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be promptly informed of the changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.40, 811.41, and 811.43 as follows:

1. Section 811.40 is amended to read as follows:

§ 811.40 Sugar requirements, 1966.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1966 is hereby determined to be 10,225,000 short tons, raw value.

2. Section 811.41 is amended by amending subparagraph (1) of paragraph (a) to read as follows:

§ 811.41 Quotas for domestic areas.

(a)(1) For the calendar year 1966 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (short tons, raw value) (1)	Direct consumption limits (short tons, raw value) (2)
Domestic beet sugar	3,025,000	[1]
Mainland cane sugar	1,100,000	[1]
Hawaii	1,200,227	34,970
Puerto Rico	1,140,000	153,375
Virgin Islands	15,000	

[1] No limit.

* * * * *

3. Section 811.43 is amended by amending paragraphs (b) and (c) thereof to read as follows:

§ 811.43 Quotas for foreign countries.

* * * * *

(b) (1) For the calendar year 1966 the quota for the Republic of the Philippines is 1,107,015 short tons, raw value, and the quantity of such quota that may be filled by direct-consumption sugar is 59,920 short tons, raw value.

(2) In addition to the quantity of 1,107,015 short tons, raw value, for the Republic of the Philippines in subparagraph (1) of this paragraph, a quantity of 195,963 short tons, raw value, representing a proration of quota deficits as provided in § 811.42, is added to and established as a part of the quota for such country.

(c) For the calendar year 1966, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to paragraphs (c) and (d) of section 202 and paragraph (a) of section 204 of the Act are as follows:

[Short tons, raw value]

Country	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Deficit prorations	Total quotas and prorations
Mexico	203,485	210,582	42,010	456,077
Dominican Republic	199,010	205,950	41,086	446,046
Brazil	199,010	205,950	41,086	446,046
Peru	158,734	164,270	32,771	355,775
British West Indies	79,499	73,909	15,565	168,973
Ecuador	28,956	29,967	5,978	64,901
French West Indies	25,008	23,249	4,896	53,153
Argentina	24,482	25,335	5,054	54,871
Costa Rica	23,428	25,639	4,978	54,045
Nicaragua	23,428	25,639	4,978	54,045
Colombia	21,059	21,794	4,348	47,201
Guatemala	19,743	21,605	4,195	45,543
Panama	14,742	15,255	3,044	33,041
El Salvador	14,479	15,844	3,077	33,400
Haiti	11,056	11,442	2,283	24,781
Venezuela	10,003	10,351	2,065	22,419
British Honduras	5,791	5,384	1,134	12,309
Bolivia	2,369	2,452	489	5,310
Australia	94,767	87,546	----------	182,313
Republic of China	39,486	36,478	----------	75,964
India	37,907	35,019	----------	72,926
South Africa	27,903	25,778	----------	53,681
Fiji Isalnds	20,796	19,212	----------	40,008
Thailand	8,687	8,025	----------	16,712
Mauritius	8,687	8,025	----------	16,712
Malagasy Republic	4,475	4,134	----------	8,609
Swaziland	3,422	3,161	----------	6,583
Ireland	5,351	----------	----------	5,351
Total	1,315,763	1,321,995	219,037	2,856,795

[1] Proration of quotas withheld from Cuba, Southern Rhodesia and the proration of the Honduran quota to Central American Common Market countries.

* * * * *

(Secs. 201, 202, 204, and 403; 61 Stat. 923 as amended, 924 as amended, 925 as amended and 932 as amended; 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This order will become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 18th day of July 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-7979; Filed, July 21, 1966; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966-Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966-Crop Flaxseed Loan and Purchase Program

This annual crop year supplement, together with the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941), and any amendments thereto, and the 1966 and Subsequent Crops Flaxseed Supplement (31 F.R. 8003), and any amendments thereto, contain the provisions for price support loans and purchases for the 1966 crop of flaxseed.

Sec.
1421.3065 Availability.
1421.3066 Warehouse charges.
1421.3067 Maturity of loans.
1421.3068 Support rates, premiums, and discounts.

§ 1421.3065 Availability.

A producer desiring a price support loan must request a loan on his eligible flaxseed on or before April 30, 1967, on flaxseed stored in Minnesota, North Dakota, South Dakota, and Wisconsin, and on or before March 31, 1967, on flaxseed stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible flaxseed to CCC on or before May 31, 1967, for flaxseed stored in the States of Minnesota, North Dakota, South Dakota, and Wisconsin, or April 30, 1967, for flaxseed stored in all other States.

§ 1421.3066 Warehouse charges.

The following schedule of deductions (gross weight basis) for flaxseed stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall apply as provided in § 1421.3058(b):

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1967	Deduction (cents per bushel)	Maturity date of May 31, 1967
(1)	----------	(1)
Prior to May 16, 1966	13	Prior to June 16, 1966.
May 16-June 12, 1966	12	June 16-July 13, 1966.
June 13-July 10, 1966	11	July 14-Aug. 10, 1966.
July 11-Aug. 7, 1966	10	Aug. 11-Sept. 7, 1966.
Aug. 8-Sept. 4, 1966	9	Sept. 8-Oct. 5, 1966.
Sept. 5-Oct. 2, 1966	8	Oct. 6-Nov. 2, 1966.
Oct. 3-Oct. 30, 1966	7	Nov. 3-Nov. 30, 1966.
Oct. 31-Nov. 27, 1966	6	Dec. 1-Dec. 28, 1966.
Nov. 28-Dec. 25, 1966	5	Dec. 29, 1966-Jan. 25, 1967.
Dec. 26, 1966-Jan. 22, 1967.	4	Jan. 26-Feb. 22, 1967.
Jan. 23-Feb. 19, 1967	3	Feb. 23-Mar. 22, 1967.
Feb. 20-Mar. 19, 1967	2	Mar. 23-Apr. 19, 1967.
Mar. 20-Apr. 30, 1967	1	Apr. 20-May 31, 1967.

[1] Date storage charges start, all dates inclusive.

§ 1421.3067 Maturity of loans.

Loans mature on demand but not later than: May 31, 1967, on flaxseed stored in the States of Minnesota, North Dakota, South Dakota, and Wisconsin; April 30, 1967, on flaxseed stored in all other States.

§ 1421.3068 Support rates, premiums, and discounts.

(a) *Basic support rates (terminals).* Basic support rates for terminal markets for flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture are as follows:

Terminal Market	Rate per bushel
Los Angeles, Calif	$3.45
San Francisco, Calif	3.39
Duluth, Minn	3.15
Minneapolis, Minn	3.15
St. Paul, Minn	3.15
Superior, Wis	3.15
Corpus Christi, Tex	2.98
Houston, Tex	2.98

(b) *Basic support rates (counties).* Basic county support rates per bushel for farm-stored and country warehouse-stored flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture are as follows:

ARIZONA

County	Rate per bushel	County	Rate per bushel
Cochise	$3.14	Pinal	$3.22
Graham	3.05	Yavapai	2.86
Maricopa	3.22	Yuma	3.24
Pima	3.20		

CALIFORNIA

Alameda	$3.24	Napa	$3.24
Colusa	3.17	Riverside	3.25
Fresno	3.20	Sacramento	3.20
Imperial	3.27	San Benito	3.21
Kern	3.22	San Joaquin	3.22
Kings	3.22	San Mateo	3.24
Los Angeles	3.29	Santa Clara	3.24
Madera	3.19	Santa Cruz	3.21
Merced	3.20	Sutter	3.18
Modoc	2.91	Yolo	3.20

GEORGIA

All counties	$2.27

IDAHO

All counties	$2.30

IOWA

Audubon	$2.81	Kossuth	$2.88
Buena Vista	2.86	Lyon	2.86
Butler	2.87	Mitchell	2.89
Calhoun	2.86	Monona	2.84
Carroll	2.84	O'Brien	2.86
Cerro Gordo	2.88	Osceola	2.87
Cherokee	2.85	Palo Alto	2.87
Clay	2.87	Plymouth	2.84
Crawford	2.84	Pocahontas	2.86
Dickinson	2.87	Sac	2.85
Emmet	2.89	Shelby	2.82
Floyd	2.89	Sioux	2.86
Franklin	2.87	Winnebago	2.89
Greene	2.84	Woodbury	2.84
Guthrie	2.84	Worth	2.89
Hancock	2.88	Wright	2.87
Harrison	2.82	All other counties	2.75
Humboldt	2.87		
Ida	2.84		

KANSAS

All counties	$2.49

MICHIGAN

All counties	$2.74

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$3.02	Big Stone	$2.97
Anoka	3.00	Blue Earth	3.00
Becker	2.96	Brown	3.00
Beltrami	2.98	Carlton	3.02
Benton	3.00	Carver	3.00

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Cass	$3.00	Murray	$2.96
Chippewa	2.99	Nicollet	3.00
Chisago	3.00	Nobles	2.94
Clay	2.94	Norman	2.93
Clearwater	2.97	Olmsted	3.00
Cottonwood	2.98	Otter Tail	2.98
Crow Wing	3.01	Pennington	2.93
Dakota	3.00	Pine	3.02
Dodge	3.00	Pipestone	2.94
Douglas	2.99	Polk	2.94
Faribault	2.99	Pope	3.00
Fillmore	2.97	Ramsey	2.97
Freeborn	3.00	Red Lake	2.95
Goodhue	3.00	Redwood	2.99
Grant	2.98	Renville	3.00
Hennepin	3.00	Rice	3.00
Houston	2.95	Rock	2.92
Hubbard	2.97	Roseau	2.90
Isanti	3.00	St. Louis	2.95
Itasca	3.02	Scott	3.00
Jackson	2.97	Sherburne	3.00
Kanabec	3.01	Sibley	3.00
Kandiyohi	3.00	Stearns	3.00
Kittson	2.90	Steele	3.00
Koochiching	2.95	Stevens	2.99
Lac Qui Parle	2.97	Swift	3.00
Lake of the Woods	2.92	Todd	3.00
Le Sueur	3.00	Traverse	2.96
Lincoln	2.95	Wabasha	3.00
Lyon	2.97	Wadena	2.99
McLeod	3.00	Waseca	3.00
Mahnomen	2.95	Washington	3.00
Marshall	2.92	Watonwan	2.99
Martin	2.98	Wilkin	2.96
Meeker	3.00	Winona	3.00
Mille Lacs	3.00	Wright	3.00
Morrison	3.00	Yellow Medicine	2.98
Mower	3.00		

MONTANA

Beaverhead	$2.36	Liberty	$2.58
Big Horn	2.56	Madison	2.36
Blaine	2.58	McCone	2.67
Broadwater	2.58	Musselshell	2.58
Carbon	2.58	Park	2.58
Carter	2.72	Petroleum	2.58
Cascade	2.58	Phillips	2.59
Chouteau	2.58	Pondera	2.58
Custer	2.68	Powder River	2.66
Daniels	2.62	Prairie	2.69
Dawson	2.69	Richland	2.68
Deer Lodge	2.51	Roosevelt	2.66
Fallon	2.72	Rosebud	2.63
Fergus	2.58	Sheridan	2.65
Gallatin	2.58	Stillwater	2.58
Garfield	2.66	Sweet Grass	2.58
Glacier	2.58	Teton	2.58
Golden Valley	2.58	Toole	2.58
Hill	2.58	Treasure	2.61
Judith Basin	2.58	Valley	2.62
Lewis and Clark	2.58	Wheatland	2.58
		Wibaux	2.72
		Yellowstone	2.58

NEBRASKA

All counties $2.49

NORTH DAKOTA

Adams	$2.78	Divide	$2.75
Barnes	2.90	Dunn	2.80
Benson	2.83	Eddy	2.85
Billings	2.80	Emmons	2.83
Bottineau	2.78	Foster	2.87
Bowman	2.77	Golden Valley	2.77
Burke	2.77	Grand Forks	2.91
Burleigh	2.83	Grant	2.81
Cass	2.92	Griggs	2.89
Cavalier	2.84	Hettinger	2.79
Dickey	2.90		

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Kidder	$2.84	Renville	$2.77
La Moure	2.88	Richland	2.95
Logan	2.86	Rolette	2.80
McHenry	2.80	Sargent	2.93
McIntosh	2.86	Sheridan	2.82
McKenzie	2.69	Sioux	2.82
McLean	2.80	Slope	2.77
Mercer	2.81	Stark	2.81
Morton	2.82	Steele	2.90
Mountrail	2.77	Stutsman	2.88
Nelson	2.88	Towner	2.81
Oliver	2.81	Traill	2.90
Pembina	2.88	Walsh	2.89
Pierce	2.81	Ward	2.78
Ramsey	2.85	Wells	2.84
Ranson	2.92	Williams	2.76

OKLAHOMA

All counties $2.35

OREGON

All counties $2.30

SOUTH DAKOTA

Aurora	$2.86	Jackson	$2.82
Beadle	2.89	Jerauld	2.87
Bennett	2.74	Jones	2.85
Bon Homme	2.87	Kingsbury	2.91
Brookings	2.92	Lake	2.90
Brown	2.90	Lawrence	2.76
Brule	2.87	Lincoln	2.89
Buffalo	2.87	Lyman	2.86
Butte	2.76	McCook	2.89
Campbell	2.86	McPherson	2.86
Charles Mix	2.85	Marshall	2.93
Clark	2.91	Meade	2.77
Clay	2.89	Mellette	2.79
Codington	2.93	Miner	2.89
Corson	2.81	Minnehaha	2.90
Custer	2.70	Moody	2.92
Davison	2.87	Pennington	2.79
Day	2.92	Perkins	2.79
Deuel	2.92	Potter	2.87
Dewey	2.81	Roberts	2.95
Douglas	2.85	Sanborn	2.87
Edmunds	2.88	Shannon	2.72
Fall River	2.66	Spink	2.90
Faulk	2.88	Stanley	2.86
Grant	2.95	Sully	2.87
Gregory	2.80	Todd	2.79
Haakon	2.83	Tripp	2.79
Hamlin	2.92	Turner	2.89
Hand	2.88	Union	2.89
Hanson	2.88	Walworth	2.85
Harding	2.77	Washabaugh	2.82
Hughes	2.87	Yankton	2.88
Hutchinson	2.87	Ziebach	2.80
Hyde	2.87		

TEXAS

Carson	$2.57	Hockley	$2.57
Culberson	2.49	Lamb	2.57
Deaf Smith	2.57	Moore	2.55
Floyd	2.57	Pecos	2.50
Glasscock	2.57		

WASHINGTON

All counties $2.30

WISCONSIN

Adams	$2.84	Crawford	$2.86
Ashland	2.92	Dane	2.79
Barron	2.91	Dodge	2.80
Bayfield	2.92	Door	2.74
Brown	2.79	Douglas	2.97
Buffalo	2.91	Dunn	2.92
Burnett	2.94	Eau Claire	2.91
Calumet	2.77	Florence	2.80
Chippewa	2.90	Fond du Lac	2.78
Clark	2.87	Forest	2.84
Columbia	2.82	Grant	2.81

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Green	$2.77	Pierce	$2.94
Green Lake	2.80	Polk	2.94
Iowa	2.78	Portage	2.85
Iron	2.88	Price	2.87
Jackson	2.89	Racine	2.77
Jefferson	2.78	Richland	2.82
Juneau	2.86	Rock	2.78
Kenosha	2.77	Rusk	2.90
Kewaunee	2.76	St. Croix	2.94
LaCrosse	2.88	Sauk	2.82
Lafayette	2.77	Sawyer	2.91
Langlade	2.81	Shawano	2.81
Lincoln	2.81	Sheboygan	2.77
Manitowoc	2.77	Taylor	2.88
Marathon	2.86	Trempealeau	2.89
Marinette	2.78	Vernon	2.87
Marquette	2.83	Vilas	2.82
Menominee	2.81	Walworth	2.77
Milwaukee	2.77	Washburn	2.92
Monroe	2.87	Washington	2.77
Oconto	2.77	Waukesha	2.77
Oneida	2.81	Waupaca	2.83
Outagamie	2.81	Waushara	2.82
Ozaukee	2.77	Winnebago	2.80
Pepin	2.93	Wood	2.86

WYOMING

All counties $2.47

(c) *Premiums and discounts.* The basic support rate shall be adjusted by premiums and discounts as follows:

	Cents per bushel
(1) Premium for low moisture (Applicable to Grades No. 1 and No. 2):	
Moisture content (percent):	
9 or less	+1
(2) Discounts:	
(i) Grade No. 2	−6
(ii) Weed Control Law (where required by § 1421.74)	−15
(iii) Other factors: Such discounts for factors not specified above as may be established by CCC to reflect the value of the flaxseed acquired by CCC	

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 18, 1966.

ROLAND F. BALLOU,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66-7959; Filed, July 21, 1966; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

The regulations of the Atomic Energy Commission (AEC), 10 CFR Parts 30, 40, and 70, require that before the AEC approves an application for license to receive, possess, use or transfer byproduct,

source, or special nuclear material, it must determine that the applicant's proposed program is adequate to protect health and minimize danger to life and property.

In 1958, the AEC adopted 10 CFR Part 71, "Regulations to Protect Against Accidental Conditions of Criticality in the Shipment of Special Nuclear Material". This regulation established procedures for approval of transport of special nuclear material, but set only limited standards. Certain small shipments under specified conditions were exempted from the licensing requirement.

On March 5, 1963, the AEC published a proposed revision of Part 71 (28 F.R. 2134), incorporating many detailed specifications regarding acceptable shipping methods. Public response to that proposed revision suggested that the detailed standards proposed might impair the growth of the industry and development of improved safety concepts and that the regulation should emphasize performance standards rather than detailed design standards. Proposed Part 72, "Protection Against Radiation in the Shipment of Irradiated Fuel Elements" (26 F.R. 8982, 28 F.R. 2142), which proposed standards and procedures for packaging and transport of irradiated solid nuclear fuel, elicited a similar public response.

On December 21, 1965, the AEC published for comment a proposed revision of Part 71 (30 F.R. 15748). The proposed revision combined the standards for unirradiated and irradiated fissile material previously proposed separately as Parts 71 and 72, and added standards and procedures for the shipment of large quantities of licensed material. It emphasized performance standards to determine the adequacy of proposed shipping methods, with the method of satisfying those performance standards left to the ingenuity of the shippers. The proposed performance standards would be compatible with those developed by the International Atomic Energy Agency during the past 2 years.

Subsequent to the publication of proposed Part 71, a Memorandum of Understanding between the Interstate Commerce Commission (ICC) and AEC was signed. In the Memorandum, the two agencies agree, subject to their respective statutory authorities, that (1) ICC will adopt appropriate regulations and requirements applicable to transport of all radioactive materials, and to shippers of all types and quantities of radioactive materials, but will avoid duplicatory standards with respect to preparation for shipments of fissile materials and large quantities of radioactive material, and (2) AEC will adopt appropriate regulations applicable to standards for the preparation for shipment of fissile material and large quantities of radioactive material and will be responsible for the adoption of regulations and requirements applicable to its licensees or contractors as may be necessary to protect against radiation and criticality hazards in the transportation of all radioactive material where shipment is outside the regulatory jurisdiction of ICC.

Under the Memorandum of Understanding, the ICC will utilize the assistance of AEC on container approvals for fissile materials and large quantities of radioactive materials. The AEC and ICC are working together to develop criteria for additional "specification containers" in order to reduce the number of special container permits issued by ICC.

Several changes have been incorporated in the regulation, as adopted, as a result of the Memorandum of Understanding, and the publication of amendments to ICC regulations on April 29, 1966 (31 F.R. 6492), covering some of the same areas covered in the notice of proposed rule making published by the AEC on December 21, 1965 (30 F.R. 15748). Thus, the following provisions that were contained in that AEC proposed rule have been omitted in the effective rule set out below:

1. Section 71.11 of the proposed rule, which would have imposed ICC requirements through AEC authority;

2. References throughout the proposed rule to transport of radioactive material by a licensee;

3. The radiation level limitations in proposed § 71.34;

4. The definitions of "milliroentgen per hour or equivalent" and "transport unit" in proposed § 71.4 (j) and (u);

5. The requirement in proposed § 71.40 (b) that a Fissile Class II package be labelled as prescribed by ICC, although the procedure for determining the minimum "radiation unit" for criticality control has been retained;

6. The requirement in proposed § 71.40 that a licensee not transport or deliver to a carrier more than 40 units of Fissile Class II packages, nor a single package with a calculated radiation unit of more than 10;

7. The requirement in proposed § 71.41(b) for Fissile Class III transport procedures to protect against commingling with other fissile material;

8. The requirement in proposed § 71.54 for routine determinations with regard to the radiation level limits, surface contamination limits, and transport procedures.

The definition of "carrier" in proposed § 71.4 has been modified to conform to usage under the Transportation of Explosives and Other Dangerous Articles Act (18 U.S.C. §§ 832–837), which is administered by the ICC.

Other significant differences from the regulation published for comment are:

1. The definition of the term "fissile material" has been restricted to those isotopes of uranium and plutonium which must now be controlled during transport to avoid criticality.

2. A requirement in proposed § 71.31 (b) which imposed a temperature standard on the materials and fabrication of packaging has been deleted. Correspondingly, the temperature to be considered for Normal Conditions of Transport set out in Appendix A has been increased from 100° F. to 130° F. This increased ambient temperature would provide for the more extreme conditions which might be encountered in normal transport.

3. The requirement in proposed § 71.31 (e) that primary coolant not circulate outside of the shielding has been deleted.

4. The lifting and tie-down device requirements in purposed § 71.31 (f) and (g) have been modified to make it clear that the standards apply only to devices which are a structural part of the packaging. The modified requirements are included in § 71.31 (c) and (d) set forth below.

5. The pressure design standards of the proposed § 71.32(b)–(d), including that for a pressure relief device, have been replaced by an internal pressure test to be initially performed on each individual package which will be subjected to significant internal pressure, set out in § 71.53(b).

6. The specific temperature restriction, contained in proposed § 71.33, on large quantity packages, assuming loss of coolant and cooling devices, has been omitted, as has the corresponding test requirement of proposed § 71.53(b). Temperature restrictions will be effectuated through the performance standards of §§ 71.35 and 71.36. Requirements have been included in § 71.35 set out below to assure that there will be no loss of coolant under the Normal Conditions of Transport.

7. The limitation on loss of shielding under the Hypothetical Accident Conditions (Appendix B) has been revised to specify an allowable increase in radiation levels to 1,000 milliroentgens per hour or equivalent at 3 feet from the external surface of the package.

8. The provisions relating to assumed inleakage of water to and outleakage of liquids from fissile material packages in determining subcriticality in proposed § 71.37(b)(3) have been revised and redesignated § 71.33.

9. The requirement in proposed § 71.39 (a) that Fissile Class I packages be considered with other types of Fissile Class I packages has been deleted as unnecessary in view of the provision for assumed interspersed moderation.

10. The requirement in proposed § 71.51(a) for licensee quality control procedures has been replaced by a performance requirement in § 71.53(c) set out below that the licensee assure that the packaging is fabricated in accordance with the design approved by the AEC.

11. The list of items to be included in a licensee's operating procedures required by proposed § 71.51(b) has been deleted from the regulation.

Additional minor changes from the proposed rule have been incorporated in the effective rule.

The rule, set forth below, establishes packaging standards for the shipment of fissile material, both unirradiated and irradiated, and of large quantities of licensed radioactive material. The rule specifies the quantities and methods of transport which are exempt from Part 71 requirements and those which are under a general license. The exemption and general license provisions are applicable to shipments which from a safety standpoint do not require an AEC packaging evaluation. Those shipments are sub-

ject to regulation by federal transport agencies. For shipments not exempted or generally licensed, the rule prescribes the determinations which must be made with respect to packaging and shipping precautions required in order to assure nuclear safety of shipping methods.

With a few exceptions, the basic organization and standards set out below have not been changed significantly from those contained in the notice of proposed rule making, issued on December 21, 1965 (30 F.R. 15748). A detailed explanation of the organization and standards of Part 71 is made in the notice of proposed rule making.

The rule set out below divides radionuclides into a number of groups, each having a comparable potential hazard in transport. These groups were derived from the International Atomic Energy Agency's Safety Series No. 6, "Regulations for the Safe Transport of Radioactive Materials," 1964 Revised Edition. The derivation of the groupings and the quantity limits assigned to those groupings have been published by the United Kingdom Atomic Energy Authority in its Health and Safety Branch Report AHSB (RP) R 23, dated 1963, by K. T. Aspinall and A. Fairbairn. This document is available from the Authority Health and Safety Branch, United Kingdom Atomic Energy Authority, 11 Charles II Street, London, S.W.1.

Published simultaneously with proposed 10 CFR Part 71 on December 21, 1965, were certain proposed amendments to 10 CFR Parts 30 and 70 (30 F.R. 15748), the basic licensing regulations for byproduct and special nuclear material, respectively, containing a reference to Part 71. Those amendments are no longer considered necessary and that notice of proposed rule making is, accordingly, withdrawn.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following revision of 10 CFR Part 71 is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

Part 71 of Title 10, Code of Federal Regulations, is revised to read as follows:

Subpart A—General Provisions

Subpart B—License Applications

Subpart C—Package Standards

Subpart D—Operating Procedures

Appendices

AUTHORITY: The provisions of this Part 71 issued under secs. 53, 62, 81, 161; 68 Stat. 930, 932, 935, 948, as amended; 42 U.S.C. 2073, 2092, 2111, 2201.

Subpart A—General Provisions

§ 71.1 Purpose.

(a) This part prescribes procedures and standards for approval by the Atomic Energy Commission of packaging and shipping procedures for fissile material (uranium 233, uranium 235, plutonium 238, plutonium 239, and plutonium 241) and for large quantities of licensed materials, as defined in § 71.4(f), and prescribes certain requirements governing such packaging and shipping.

(b) The packaging and transport of these materials is also subject to other parts of this chapter and to the regulations of other agencies having jurisdiction over means of transport. The requirements of this part are in addition to, and not in substitution for, other requirements.

§ 71.2 Scope.

The regulations in this part apply to all persons authorized by specific license issued by the Commission to receive, possess, use or transfer licensed materials, if they deliver such materials to a carrier for transport.

NOTE: For purposes of this regulation, a licensee who transports his own licensed material as a private carrier is considered to have delivered such material to a carrier for transport.

§ 71.3 Requirement for license.

No licensee subject to the regulations in this part shall deliver any licensed materials to a carrier for transport except as authorized in a general license or specific license issued by the Commission, or as exempted in this part.

§ 71.4 Definitions.

As used in this part:

(a) "Carrier" means any person engaged in the transportation of passengers or property, as common, contract, or private carrier, or freight forwarder, as those terms are used in the Interstate Commerce Act, as amended, or the U.S. Post Office;

(b) "Close reflection by water" means immediate contact by water of sufficient thickness to reflect a maximum number of neutrons;

(c) "Containment vessel" means the receptacle on which principal reliance is placed to retain the radioactive material during transport;

(d) "Fissile classification" means classification of a package or shipment of fissile materials according to the degree of control which must be exercised during transport to avoid criticality. The three fissile classes are:

(1) Fissile Class I: Packages which may be transported in unlimited numbers and in any arrangement, and which require no control during transport to avoid criticality.

(2) Fissile Class II: Packages which may be transported together as a shipment in numbers which do not exceed an aggregate of 40 radiation units, in any arrangement, and which require no control by the shipper during transport to avoid criticality.

(3) Fissile Class III: Shipments of packages which do not meet the requirements of Fissile Classes I and II and which require control by the shipper during transport to avoid criticality.

(e) "Fissile materials" means uranium 233, uranium 235, plutonium 238, plutonium 239, and plutonium 241;

(f) "Large quantity" means a quantity of licensed material the aggregate radioactivity of which exceeds that specified in the following table for a transport group as defined in (p) of this section;

Radionuclide identification	Transport group						Special form
	I	II	III	IV	V	VI	
Radioactivity.....(curies).....	20	20	200	200	5,000	50,000	5,000

(g) "Low specific activity material" means material in which the radioactivity is uniformly distributed and in which the concentration per gram does not exceed:

(1) 0.1 microcurie for Group I radionuclides;

(2) 5 microcuries for Group II radionuclides; or

(3) 300 microcuries for Group III and Group IV radionuclides.

(h) "Maximum normal operating pressure" means the maximum gauge pressure which is expected to develop in the containment vessel under the normal conditions of transport specified in Appendix A of this part;

(i) "Moderator" means a material used to reduce, by scattering collisions and without appreciable capture, the kinetic energy of neutrons;

(j) "Optimum interspersed hydrogenous moderation" means the occurrence of hydrogenous material between containment vessels to such an extent that the maximum nuclear reactivity results;

(k) "Package" means packaging and its radioactive contents;

(l) "Packaging" means one or more receptacles and wrappers and their contents excluding fissile material and other radioactive material, but including absorbent material, spacing structures, thermal insulation, radiation shielding, devices for cooling and for absorbing mechanical shock, external fittings, neutron moderators, nonfissile neutron absorbers, and other supplementary equipment;

(m) "Primary coolant" means a gas, liquid, or solid, or combination of them, in contact with the radioactive material or, if the material is in special form, in contact with its capsule, and used to remove decay heat;

(n) "Sample package" means a package which is fabricated, packed, and closed to fairly represent the proposed package as it would be presented for transport, simulating the material to be transported, as to weight and physical and chemical form;

(o) "Special form" means any of the following physical forms of licensed material of any transport group:

(1) The material is in solid form having no dimension less than 0.5 millimeter or at least one dimension greater than five millimeters; does not melt, sublime, or ignite in air at a temperature of 1,000° F.; will not shatter or crumble if subjected to the percussion test described in Appendix D of this part; and is not dissolved or converted into dispersible form to the extent of more than 0.005 percent by weight by immersion for 1 week in water at 68° F. or in air at 86° F.; or

(2) The material is securely contained in a capsule having no dimension less than 0.5 millimeter or at least one dimension greater than five millimeters, which will retain its contents if subjected to the tests prescribed in Appendix D of this part; and which is constructed of materials which do not melt, sublime, or ignite in air at 1,475° F., and do not dissolve or convert into dispersible form to the extent of more than 0.005 percent by weight by immersion for 1 week in water at 68° F. or in air at 86° F.

(p) "Transport group" means a group of radionuclides having comparable potential hazard in transport, as specified in Appendix C of this part. Any radionuclide not specifically listed in one of the groups in Appendix C shall be considered to be grouped according to the following table:

Atomic number of radionuclide	Radioactive half-life		
	0 to 1000 days	1000 days to 10^6 years	Over 10^6 years
Atomic No. 1–81.	Group III.	Group II.	Group III.
Atomic No. 82 and above.	Group I.	Group I.	Group III.

Terms defined in Parts 20, 30 to 36 inclusive, and 70 of this chapter have the same meaning when used in this part.

§ 71.5 Exemptions.

A licensee is exempt from all requirements of this part to the extent that he delivers to a carrier for transport packages each of which contains less than a large quantity of licensed material, as defined in § 71.4(f), which may include one of the following:

(a) Not more than 15 grams of fissile material; or

(b) Thorium; or

(c) Uranium when the total amount of uranium 23 and plutonium present does not exceed 1 percent by weight of the uranium 235 content and the total amount of uranium 235 present does not exceed 0.72 percent by weight of the uranium content; or

(d) A homogenous substance when the total amount of uranium 233 and plutonium present does not exceed 1 percent by weight of the uranium 235 content, and the uranium 235 content does not exceed 1 percent by weight of the uranium content; or

(e) A homogenous substance in which:

(1) 500 grams or less of fissile material is present, and the atomic ratio of hydrogen to fissile material in that substance is greater than 7600; or

(2) The total amount of uranium 233 and plutonium present does not exceed 1 percent by weight of the uranium 235 content, no more than 800 grams of uranium 235 is present, and the atomic ratio of hydrogen to uranium 235 in that substance is greater than 5200; or

(3) The total amount of plutonium present does not exceed 1 percent by weight of the uranium 233 and uranium 235 content, there is not more than 500 grams of uranium 233 and uranium 235 present, and the atomic ratio of hydrogen to uranium 233 plus uranium 235 in that substance is greater than 5200.

§ 71.6 General license for shipment of licensed material.

A general license is hereby issued, to persons holding specific licenses issued pursuant to this chapter, to deliver licensed material to a carrier for transport, without complying with the package standards of Subpart C of this part, when either:

(a) The material is shipped as a Fissile Class III shipment with the following limitations on its contents:

(1) No single package contains a large quantity of licensed material, as defined in § 71.4(f); and

(2) The fissile material contents of the shipment do not exceed:

(i) 500 grams of uranium 235; or

(ii) 300 grams total of uranium 233, plutonium 238, plutonium 239, and plutonium 241; or

(iii) Any combination of uranium 233, uranium 235, and plutonium in such quantities that the sum of the ratios of the quantity of each of them to the quantity specified in subdivisions (i) and (ii) of this subparagraph does not exceed unity; or

(iv) 2500 grams of plutonium 238, plutonium 239, and plutonium 241 encapsulated as plutonium-beryllium neutron sources, with no one package containing in excess of 400 grams of plutonium 238, plutonium 239, and plutonium 241; or

(b) The material is shipped as Fissile Class II packages with the following limitations on the contents of each package:

(1) No package contains a large quantity of licensed material, as defined in § 71.4(f); and

(2) No package contains fissile material in excess of the amounts specified in the following table, and each package is labeled with the corresponding radiation unit as shown in the table:

Maximum quantity of fissile material in a single package				Corresponding radiation unit
U-235 (grams)	U-233 (grams)	Plutonium (grams)	Plutonium as Pu-Be neutron sources (grams)	
35–40	27–30	23–25	320–400	10
30–35	24–27	21–23	240–320	8
25–30	21–24	19–21	160–240	6
20–25	18–21	17–19	80–160	4
15–20	15–18	15–17	15–80	2

NOTE: Any combination of fissile material is authorized when the radiation unit is selected so that the sum of the ratios of the quantity of each fissile material present to the quantity corresponding to the radiation unit selected does not exceed unity.

§ 71.7 General license for shipment in ICC specification container.

A general license is hereby issued, to persons holding a specific license issued pursuant to this chapter, to deliver licensed material to a carrier for transport in an ICC specification shipping container for fissile material or for a large quantity of radioactive material, as specified in § 73.393(g) of the regulations of the Interstate Commerce Commission, 49 CFR Part 73.

§ 71.8 Communications.

All communications concerning the regulations in this part should be addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention:

Director, Division of Materials Licensing, or may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., its offices at Germantown, Md., or its offices at 4915 St. Elmo Street, Bethesda, Md.

§ 71.9 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding on the Commission.

§ 71.10 Additional requirements.

The Commission may by rule, regulation, or order impose upon any licensee such requirements, in addition to those established in this part, as it deems necessary or appropriate to protect health or to minimize danger to life or property.

§ 71.11 Specific exemptions.

On application of any interested person or on its own initiative, the Commission may grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security.

§ 71.12 Limited exemption for shipment of special nuclear material.

(a) A licensee who on the effective date of this section is the holder of a specific license authorizing the delivery of special nuclear material to a carrier for transport, may continue to do so under the conditions specified in the license during its term, except as provided in this section.

(b) Such a licensee shall within 3 months after the effective date of this section file a consolidated application for a superseding license in accordance with this part as amended. If the licensee fails to do so, the authority granted by the license to deliver special nuclear material to a carrier for transport shall thereupon expire. The Commission may issue a new license superseding the existing license, may confirm the existing license with or without modification, or may deny the application in whole or in part and terminate the existing license in whole or in part.

§ 71.13 Limited exemption for shipment of large quantities of licensed material.

A person delivering a large quantity of licensed material, as defined in § 71.4(f), to a carrier for transport is exempted from the requirements of this part until 3 months after its effective date. The exemption granted by this section shall thereupon terminate except as to activities described in an application for a license which the person has prior to that time filed with the Commission. If the person has filed such an application, the exemption granted by this section shall continue until the application has been finally determined by the Commission.

Subpart B—License Applications

§ 71.21 Contents of application.

An application for a specific license under this part may be submitted as an application for a license or license amendment under this chapter and shall include, for each proposed packaging design and method of transport, the following information in addition to any otherwise required:

(a) A package description as required by § 71.22;

(b) A package evaluation as required by § 71.23;

(c) A description of proposed procedural controls as required by § 71.24;

(d) In the case of fissile material, an identification of the proposed fissile class.

§ 71.22 Package description.

The application shall include a description of the proposed package in sufficient detail to identify the package accurately and to provide a sufficient basis for evaluation of the packaging. The description should include:

(a) With respect to the packaging:

(1) Gross weight;

(2) Model number;

(3) Specific materials of construction, weights, dimensions, and fabrication methods of:

(i) Receptacles, identifying the one which is considered to be the containment vessel;

(ii) Materials specifically used as nonfissile neutron absorbers or moderators;

(iii) Internal and external structures supporting or protecting receptacles;

(iv) Valves, sampling ports, lifting devices, and tie-down devices;

(v) Structural and mechanical means for the transfer and dissipation of heat; and

(4) Identification and volumes of any coolants and of receptacles containing coolant.

(b) With respect to the contents of the package:

(1) Identification and maximum radioactivity of radioactive constituents;

(2) Identification and maximum quantities of fissile constituents;

(3) Chemical and physical form;

(4) Extent of reflection, the amount and identity of non-fissile neutron absorbers in the fissile constitutents, and the atomic ratio of moderator to fissile constituents;

(5) Maximum weight; and

(6) Maximum amount of decay heat.

§ 71.23 Package evaluation.

The applicant shall:

(a) Demonstrate that the package satisfies the standards specified in Subpart C;

(b) For a Fissile Class II package, ascertain and specify the number of similar packages which may be transported together in accordance with § 71.39; and

(c) For a Fissile Class III shipment, describe any proposed special controls and precautions to be exercised during transport, loading, unloading, and handling, and in the event of accident or delay.

§ 71.24 Procedural controls.

The applicant shall describe the regular and periodic inspection procedures proposed to comply with § 71.51(b).

§ 71.25 Additional information.

The Commission may at any time require further information in order to enable it to determine whether a license should be granted, denied, modified, suspended, or revoked.

Subpart C—Package Standards

§ 71.31 General standards for all packaging.

(a) Packaging shall be of such materials and construction that there will be no significant chemical, galvanic, or other reaction among the packaging components, or between the packaging components and the package contents.

(b) Packaging shall be equipped with a positive closure which will prevent inadvertent opening.

(c) Lifting devices:

(1) If there is a system of lifting devices which is a structural part of the package, the system shall be capable of supporting three times the weight of the loaded package without generating stress in any material of the packaging in excess of its yield strength.

(2) If there is a system of lifting devices which is a structural part only of the lid, the system shall be capable of supporting three times the weight of the lid and any attachments without generating stress in any material of the lid in excess of its yield strength.

(3) If there is a structural part of the package which could be employed to lift the package and which does not comply with subparagraph (1) of this paragraph, the part shall be securely covered or locked during transport in such a manner as to prevent its use for that purpose.

(4) Each lifting device which is a structural part of the package shall be so designed that failure of the device under excessive load would not impair the containment or shielding properties of the package.

(d) Tie-down devices:

(1) If there is a system of tie-down devices which is a structural part of the package, the system shall be capable of withstanding, without generating stress in any material of the package in excess of its yield strength, a static force applied to the center of gravity of the package having a vertical component of two times the weight of the package with its contents, a horizontal component along the direction in which the vehicle travels of 10 times the weight of the package with its contents, and a horizontal component in the transverse direction of 5 times the weight of the package with its contents.

(2) If there is a structural part of the package which could be employed to tie the package down and which does not comply with subparagraph (1) of this paragraph, the part shall be securely covered or locked during transport in such a manner as to prevent its use for that purpose.

(3) Each tie-down device which is a structural part of the package shall be so designed that failure of the device under excessive load would not impair the ability of the package to meet other requirements of this subpart.

§ 71.32 Structural standards for large quantity packaging.

Packaging used to ship a large quantity of licensed material, as defined in § 71.4(f), shall be designed and constructed in compliance with the structural standards of this section. Standards different from those specified in this section may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

(a) *Load resistance.* Regarded as a simple beam supported at its ends along any major axis, packaging shall be capable of withstanding a static load, normal to and uniformly distributed along its length, equal to 5 times its fully loaded weight, without generating stress in any material of the packaging in excess of its yield strength.

(b) *External pressure.* Packaging shall be adequate to assure that the containment vessel will suffer no loss of contents if subjected to an external pressure of 25 pounds per square inch gauge.

§ 71.33 Criticality standards for fissile material packages.

(a) A package used for the shipment of fissile material shall be so designed and constructed and its contents so limited that it would be subcritical if it is assumed that water leaks into the containment vessel, and:

(1) Water moderation of the contents occurs to the most reactive credible extent consistent with the chemical and physical form of the contents; and

(2) The containment vessel is fully reflected on all sides by water.

(b) A package used for the shipment of fissile material shall be so designed and constructed and its contents so limited that it would be subcritical if it is assumed that any contents of the package which are liquid during normal transport leak out of the containment vessel, and that the fissile material is then:

(1) In the most reactive credible configuration consistent with the chemical and physical form of the material;

(2) Moderated by water outside of the containment vessel to the most reactive credible extent; and

(3) Fully reflected on all sides by water.

(c) The Commission may approve exceptions to the requirements of this section where the containment vessel incorporates special design features which would preclude leakage of liquids in spite of any single packaging error and appropriate measures are taken before each shipment to verify the leak tightness of each containment vessel.

§ 71.34 Evaluation of a single package.

(a) The effect of the transport environment on the safety of any single package of radioactive material shall be evaluated as follows:

(1) The ability of a package to withstand conditions likely to occur in normal transport shall be assessed by subjecting a sample package or scale model, by test or other assessment, to the normal conditions of transport as specified in § 71.35; and

(2) The effect on a package of conditions likely to occur in an accident shall be assessed by subjecting a sample package or scale model, by test or other assessment, to the hypothetical accident conditions as specified in § 71.36.

(b) Taking into account controls to be exercised by the shipper, the Commission may permit the shipment to be evaluated together with or without the transporting vehicle, for the purpose of one or more tests.

(c) Normal conditions of transport and hypothetical accident conditions different from those specified in § 71.35 and § 71.36 may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

§ 71.35 Standards for normal conditions of transport for a single package.

(a) A package used for the shipment of fissile material or a large quantity of licensed material, as defined in § 71.4(f), shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part:

(1) There will be no release of radioactive material from the containment vessel;

(2) The effectiveness of the packaging will not be substantially reduced;

(3) There will be no mixture of gases or vapors in the package which could, through any credible increase of pressure or an explosion, significantly reduce the effectiveness of the package;

(4) Radioactive contamination of the liquid or gaseous primary coolant will not exceed 10^{-7} curies of activity of Group I radionuclides per milliliter, 5×10^{-6} curies of activity of Group II radionuclides per milliliter, 3×10^{-4} curies of activity of Group III and Group IV radionuclides per milliliter; and

(5) There will be no loss of coolant.

(b) A package used for the shipment of fissile material shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part:

(1) The package will be subcritical;

(2) The geometric form of the package contents would not be substantially altered;

(3) There will be no leakage of water into the containment vessel. This requirement need not be met if, in the evaluation of undamaged packages under § 71.38(a), § 71.39(a)(1), or § 71.40(a), it has been assumed that moderation is present to such an extent as to cause maximum reactivity consistent with the chemical and physical form of the material; and

(4) There will be no substantial reduction in the effectiveness of the packaging, including:

(i) Reduction by more than 5 percent in the total effective volume of the packaging on which nuclear safety is assessed;

(ii) Reduction by more than 5 percent in the effective spacing on which nuclear safety is assessed, between the center of the containment vessel and the outer surface of the packaging; or

(iii) Occurrence of any aperture in the outer surface of the packaging large enough to permit the entry of a 4-inch cube.

(c) A package used for the shipment of a large quantity of licensed material, as defined in § 71.4(f), shall be so designed and constructed and its contents so limited that under the normal conditions of transport specified in Appendix A of this part, the containment vessel would not be vented directly to the atmosphere.

§ 71.36 Standards for hypothetical accident conditions for a single package.

(a) A package used for the shipment of a large quantity of licensed material, as defined in § 71.4(f), or for the shipment of fissile material when the package will contain more than 0.001 curie of Group I radionuclides, 0.05 curie of Group II radionuclides, 3 curies of Group III radionuclides, 20 curies of Group IV and Group V radionuclides and radionuclides in special form, or 1,000 curies of Group VI radionuclides shall be so designed and constructed and its contents so limited that if subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Puncture, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, it will meet the following conditions:

(1) The reduction of shielding would not be sufficient to increase the external radiation dose rate to more than 1,000 milliroentgens per hour or equivalent at 3 feet from the external surface of the package.

(2) No radioactive material would be released from the package except for gases and contaminated coolant containing total radioactivity exceeding neither:

(i) 0.1 percent of the total radioactivity of the package contents; nor

(ii) 0.01 curie of Group I radionuclides, 0.5 curie of Group II radionuclides, and 10 curies of Group III and Group IV radionuclides, except that for inert gases, the limit is 1,000 curies.

A package need not satisfy the requirements of this paragraph if it contains only low specific activity material as defined in § 71.4(g), and is transported on a motor vehicle, railroad car, aircraft, inland water craft, or hold or deck of a seagoing vessel assigned for the sole use of the licensee.

(b) A package used for the shipment of fissile material shall be so designed and constructed and its contents so limited that if subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Punc-

ture, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, the package would be subcritical. In determining whether this standard is satisfied, it shall be assumed that:

(1) The fissile material is in the most reactive credible configuration consistent with the damaged condition of the package and the chemical and physical form of the contents;

(2) Water moderation occurs to the most reactive credible extent consistent with the damaged condition of the package and the chemical and physical form of the contents; and

(3) There is reflection by water on all sides and as close as is consistent with the damaged condition of the package.

§ 71.37 Evaluation of an array of packages of fissile material.

(a) The effect of the transport environment on the nuclear safety of an array of packages of fissile material shall be evaluated by subjecting a sample package or a scale model, by test or other assessment, to the hypothetical accident conditions specified in § 71.38, § 71.39, or § 71.40 for the proposed fissile class, and by assuming that each package in the array is damaged to the same extent as the sample package or scale model. In the case of a Fissile Class III shipment, the Commission may, taking into account controls to be exercised by the shipper, permit the shipment to be evaluated as a whole rather than as individual packages, and either with or without the transporting vehicle, for the purpose of one or more tests.

(b) In determining whether the standards of §§ 71.38(b), 71.39(a)(2), and 71.40(b) are satisfied, it shall be assumed that:

(1) The fissile material is in the most reactive credible configuration consistent with the damaged condition of the package, the chemical and physical form of the contents, and controls exercised over the number of packages to be transported together; and

(2) Water moderation occurs to the most reactive credible extent consistent with the damaged condition of the package and the chemical and physical form of the contents.

§ 71.38 Specific standards for a Fissile Class I package.

A Fissile Class I package shall be so designed and constructed and its contents so limited that:

(a) Any number of such undamaged packages would be subcritical in any arrangement, and with optimum interspersed hydrogenous moderation unless there is a greater amount of interspersed moderation in the packaging, in which case that greater amount may be considered; and

(b) Two hundred fifty such packages would be subcritical in any arrangement, if each package were subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, with close reflection by water on all sides of the array and with optimum interspersed hydrogenous moderation unless there is a greater amount of interspersed moderation in the packaging, in which case that greater amount may be considered. The condition of the package shall be assumed to be as described in § 71.37.

§ 71.39 Specific standards for a Fissile Class II package.

(a) A Fissile Class II package shall be so designed and constructed and its contents so limited, and the number of such packages which may be transported together so limited, that:

(1) Five times that number of such undamaged packages would be subcritical in any arrangement if closely reflected by water; and

(2) Twice that number of such packages would be subcritical in any arrangement if each package were subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, with close reflection by water on all sides of the array and with optimum interspersed hydrogenous moderation unless there is a greater amount of interspersed moderation in the packaging, in which case that greater amount may be considered. The condition of the package shall be assumed to be as described in § 71.37.

(b) The minimum number of radiation units for each Fissile Class II package is calculated by dividing the number 40 by the number of such Fissile Class II packages which may be transported together as determined under the limitations of paragraph (a) of this section. The calculated number shall be rounded up to the first decimal place.

§ 71.40 Specific standards for a Fissile Class III shipment.

A package for Fissile Class III shipment shall be so designed and constructed and its contents so limited, and the number of packages in a Fissile Class III shipment shall be so limited, that:

(a) The undamaged shipment would be subcritical with an identical shipment in contact with it and with the two shipments closely reflected on all sides by water; and

(b) The shipment would be subcritical if each package were subjected to the hypothetical accident conditions specified in Appendix B of this part as the Free Drop, Thermal, and Water Immersion conditions, in the sequence listed in Appendix B, with close reflection by water on all sides of the array and with the packages in the most reactive arrangement and with the most reactive degree of interspersed hydrogenous moderation which would be credible considering the controls to be exercised over the shipment. The condition of the package shall be assumed to be as described in § 71.37. Hypothetical accident conditions different from those specified in this paragraph may be approved by the Commission if the controls proposed to be exercised by the shipper are demonstrated to be adequate to assure the safety of the shipment.

§ 71.41 Previously constructed packages for irradiated solid nuclear fuel.

Notwithstanding any other provisions of this Subpart, a package, the use of which has been authorized by the Commission for the transport of irradiated solid nuclear fuel on or after September 23, 1961, and which has been completely constructed prior to January 1, 1967, shall be deemed to comply with the package standards of this subpart for that purpose.

Subpart D—Operating Procedures

§ 71.51 Establishment and maintenance of procedures.

The licensee shall establish and maintain:

(a) Operating procedures adequate to assure that the determinations and controls required by this chapter are accomplished; and

(b) Regular and periodic inspection procedures adequate to assure that the licensee follows the procedures required by paragraph (a) of this section.

§ 71.52 Assumptions as to unknown properties.

When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties have such credible values as will cause the maximum nuclear reactivity.

§ 71.53 Preliminary determinations.

(a) Prior to the first use of any packaging for the shipment of licensed materials, the licensee shall ascertain that there are no cracks, pinholes, uncontrolled voids or other defects which could significantly reduce the effectiveness of the packaging.

(b) Prior to the first use of any packaging for the shipment of licensed materials, where the maximum normal operating pressure will exceed 5 pounds per square inch gauge, the licensee shall test the containment vessel to assure that it will not leak at an internal pressure 50 percent higher than the maximum normal operating pressure.

(c) Packaging shall be conspicuously and durably marked with its model number. Prior to applying the model number, the licensee shall determine that the packaging has been fabricated in accordance with the design approved by the Commission.

§ 71.54 Routine determinations.

Prior to each use of a package for shipment of licensed material the licensee shall ascertain that the package with its contents satisfies the applicable requirements of Subpart C of this part and of the license, including determinations that:

(a) The packaging has not been significantly damaged;

(b) Any moderators and nonfissile neutron absorbers, if required, are present and are as authorized by the Commission;

(c) The closure of the package and any sealing gaskets are present and are free from defects;

(d) Any valve through which primary coolant can flow is protected against tampering;

(e) The internal gauge pressure of the package will not exceed, during the anticipated period of transport, the maximum normal operating pressure;

(f) Contamination of the primary coolant will not exceed, during the anticipated period of transport, the limits specified in § 71.35(a)(4).

The provisions of this section shall not be applicable for packages authorized in the general licenses granted by § 71.6. In such cases the licensee shall ascertain that the contents of the package are as authorized in the general license.

§ 71.61 Reports.

The licensee shall report to the Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days any instance in which there is substantial reduction in the effectiveness of any authorized packaging during use.

§ 71.62 Records.

(a) The licensee shall maintain for a period of 2 years after its generation a record of each shipment of fissile material and of a large quantity of licensed material, as defined in § 71.4(f), in a single package, showing, where applicable:

(1) Identification of the packaging by model number;

(2) Details of any significant defects in the packaging, with the means employed to repair the defects and prevent their recurrence;

(3) Volume and identification of coolant;

(4) Type and quantity of licensed material in each package, and the total quantity in each shipment;

(5) For each item of irradiated fissile material:

(i) Identification by model number;

(ii) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions;

(iii) Any abnormal or unusual condition relevant to radiation safety.

(6) Date of the shipment;

(7) For Fissile Class III, any special controls exercised;

(8) Name and address of the transferee;

(9) Address to which the shipment was made; and

(10) Results of the determinations required by §§ 71.53 and 71.54.

(b) The licensee shall make available to the Commission for inspection, upon reasonable notice, all records required by this part.

§ 71.63 Inspection and tests.

(a) The licensee shall permit the Commission at all reasonable times to inspect the licensed material, packaging, and premises and facilities in which the licensed material or packaging are used, produced, tested, stored or shipped.

(b) The licensee shall perform, and permit the Commission to perform, such tests as the Commission deems necessary or appropriate for the administration of the regulations in this chapter.

§ 71.64 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who wilfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and upon conviction may be punished by fine or imprisonment, or both as provided by law.

APPENDIX A—NORMAL CONDITIONS OF TRANSPORT

Each of the following normal conditions of transport is to be applied separately to determine its effect on a package.

1. *Heat*—Direct sunlight at an ambient temperature of 130° F. in still air.

2. *Cold*—An ambient temperature of −40° F. in still air and shade.

3. *Pressure*—Atmospheric pressure of 0.5 times standard atmospheric pressure.

4. *Vibration*—Vibration normally incident to transport.

5. *Water Spray*—A water spray sufficiently heavy to keep the entire exposed surface of the package except the bottom continuously wet during a period of 30 minutes.

6. *Free Drop*—Within 2½ hours after conclusion of the water spray, a free drop through the distance specified below onto a flat essentially unyielding horizontal surface, striking the surface in a position for which maximum damage is expected.

FREE FALL DISTANCE

Package weight (pounds)	*Distance (feet)*
Less than 10,000	4
10,000 to 20,000	3
20,000 to 30,000	2
More than 30,000	1

7. *Corner Drop*—A free drop onto each corner of the package in succession, or in the case of a cylindrical package onto each quarter of each rim, from a height of 1 foot. This test does not apply to packages which are not constructed primarily of wood or fiberboard, or to packages exceeding 10,000 pounds in weight.

8. *Penetration*—Impact of the flat circular end of a vertical steel cylinder one and one-quarter inches in diameter and weighing 13 pounds, dropped from a height of 4 feet normally onto the exposed surface of the package which is expected to be most vulnerable to puncture.

9. *Compression*—For packages not exceeding 10,000 pounds in weight, a compressive load equal to either 5 times the weight of the package or 2 pounds per square inch multiplied by the maximum horizontal cross section of the package, whichever is greater. The load shall be applied during a period of 24 hours, uniformly against the top and bottom of the package in the position in which the package would normally be transported.

APPENDIX B—HYPOTHETICAL ACCIDENT CONDITIONS

The following hypothetical accident conditions are to be applied sequentially, in the order indicated, to determine their cumulative effect on a package or array of packages.

1. *Free Drop*—A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal surface, striking the surface in a position for which maximum damage is expected.

2. *Puncture*—A free drop through a distance of 40 inches striking, in a position for which maximum damage is expected, the top end of a vertical cylindrical mild steel bar mounted on an essentially unyielding horizontal surface. The bar shall be 6 inches in diameter, with the top horizontal and its edge rounded to a radius of not more than one-quarter inch, and of such a length as to cause maximum damage to the package, but not less than 8 inches long. The long axis of the bar shall be normal to the package surface.

3. *Thermal*—Exposure for 30 minutes within a source of radiant heat having a temperature of 1,475° F. and an emissivity coefficient of 0.9, or equivalent. For calculational purposes, it shall be assumed that the package has an absorption coefficient of 0.8. The package shall not be cooled artificially until after the 30 minute test period has expired and the temperature at the center of the package has begun to fall.

4. *Water Immersion*—Immersion in water for 24 hours to a depth of at least 3 feet.

APPENDIX C—TRANSPORT GROUPING OF RADIONUCLIDES

Element*	Radionuclide***	Group
Actinium (89)	Ac 227	I
	Ac 228	I
Americium (95)	Am 241	I
	Am 243	I
Antimony (51)	Sb 122	IV
	Sb 124	III
	Sb 125	III
Argon (18)	A 37	VI
	A 41	II
	A 41 (uncompressed).**	V
Arsenic (33)	As 73	IV
	As 74	IV
	As 76	IV
	As 77	IV
Astatine (85)	At 211	III
Barium (56)	Ba 131	IV
	Ba 140	III

See footnotes at end of table.

APPENDIX C—TRANSPORT GROUPING OF RADIONUCLIDES—Continued

Element*	Radionuclide***	Group
Berkelium (97)	Bk 249	I
Beryllium (4)	Be 7	IV
Bismuth (83)	Bi 206	IV
	Bi 207	III
	Bi 210	II
	Bi 212	III
Bromine (35)	Br 82	IV
Cadmium (48)	Cd 109	III
	Cd 115 m	III
	Cd 115	IV
Calcium (20)	Ca 45	IV
	Ca 47	IV
Californium (98)	Cf 249	I
	Cf 250	I
	Cf 252	I
Carbon (6)	C 14	IV
Cerium (58)	Ce 141	IV
	Ce 143	IV
	Ce 144	III
Cesium (55)	Cs 131	III
	Cs 134 m	IV
	Cs 134	III
	Cs 135	IV
	Cs 136	IV
	Cs 137	IV
Chlorine (17)	Cl 36	III
	Cl 38	IV
Chromium (24)	Cr 51	IV
Cobalt (27)	Co 56	III
	Co 57	IV
	Co 58 m	IV
	Co 58	IV
	Co 60	III
Copper (29)	Cu 64	IV
Curium (96)	Cm 242	I
	Cm 243	I
	Cm 244	I
	Cm 245	I
	Cm 246	I
Dysprosium (66)	Dy 154	III
	Dy 165	IV
	Dy 166	IV
Erbium (68)	Er 169	IV
	Er 171	IV
Europium (63)	Eu 150	III
	Eu 152 m	IV
	Eu 152	III
	Eu 154	II
	Eu 155	IV
Fluorine (9)	F 18	IV
Gadolinium (64)	Gd 153	IV
	Gd 159	IV
Gallium (31)	Ga 67	III
	Ga 72	IV
Germanium (32)	Ge 71	IV
Gold (79)	Au 193	III
	Au 194	III
	Au 195	III
	Au 196	IV
	Au 198	IV
	Au 199	IV
Hafnium (72)	Hf 181	IV
Holmium (67)	Ho 166	IV
Hydrogen (1)	H 3 (see tritium)	
Indium (49)	In 113 m	IV
	In 114 m	III
	In 115 m	IV
	In 115	IV
Iodine (53)	I 124	III
	I 125	III
	I 126	III
	I 129	III
	I 131	III
	I 132	IV
	I 133	III
	I 134	IV
	I 135	IV
Iridium (77)	Ir 190	IV
	Ir 192	III
	Ir 194	IV
Iron (26)	Fe 55	IV
	Fe 59	IV
Krypton (36)	Kr 85 m	III
	Kr 85 m (uncompressed).**	V
	Kr 85	III
	Kr 85 (uncompressed).**	VI
	Kr 87	II
	Kr 87 (uncompressed).**	V
Lanthanum (57)	La 140	IV
Lead (82)	Pb 203	IV
	Pb 210	II
	Pb 212	II
Lutecium (71)	Lu 172	IV
	Lu 177	IV
Magnesium (12)	Mg 28	III
Manganese (25)	Mn 52	IV
	Mn 54	IV
	Mn 56	IV
Mercury (80)	Hg 197 m	IV
	Hg 197	IV
	Hg 203	IV
Mixed fission products MFP.		II

See footnotes at end of table.

APPENDIX C—TRANSPORT GROUPING OF RADIONUCLIDES—Continued

Element*	Radionuclide***	Group
Molybdenum (42)	Mo 99	IV
Neodymium (60)	Nd 147	IV
	Nd 149	IV
Neptunium (93)	Np 237	I
	Np 239	I
Nickel (28)	Ni 56	III
	Ni 59	IV
	Ni 63	IV
	Ni 65	IV
Niobium (41)	Nb 93 m	IV
	Nb 95	IV
	Nb 97	IV
Osmium (76)	Os 185	IV
	Os 191 m	IV
	Os 191	IV
	Os 193	IV
Palladium (46)	Pd 103	IV
	Pd 109	IV
Phosphorus (15)	P 32	IV
Platinum (78)	Pt 191	IV
	Pt 193	IV
	Pt 193 m	IV
	Pt 197 m	IV
	Pt 197	IV
Plutonium (94)	Pu 238 (F)	I
	Pu 239 (F)	I
	Pu 240 (F)	I
	Pu 241 (F)	I
	Pu 242 (F)	I
Polonium (84)	Po 210	I
Potassium (19)	K 42	IV
	K 43	III
Praseodymium (59)	Pr 142	IV
	Pr 143	IV
Promethium (61)	Pm 147	IV
	Pm 149	IV
Protactinium (91)	Pa 230	I
	Pa 231	I
	Pa 233	II
Radium (88)	Ra 223	II
	Ra 224	II
	Ra 226	I
	Ra 228	I
Radon (86)	Rn 220	IV
	Rn 222	II
Rhenium (75)	Re 183	IV
	Re 186	IV
	Re 187	IV
	Re 188	IV
	Re Natural	IV
Rhodium (45)	Rh 103 m	IV
	Rh 105	IV
Rubidium (37)	Rb 86	IV
	Rb 87	IV
	Rb Natural	IV
Ruthenium (44)	Ru 97	IV
	Ru 103	IV
	Ru 105	IV
	Ru 106	III
Samarium (62)	Sm 145	III
	Sm 147	III
	Sm 151	IV
	Sm 153	IV
Scandium (21)	Sc 46	III
	Sc 47	IV
	Sc 48	IV
Selenium (34)	Se 75	IV
Silicon (14)	Si 31	IV
Silver (47)	Ag 105	IV
	Ag 110 m	III
	Ag 111	IV
Sodium (11)	Na 22	III
	Na 24	IV
Strontium (38)	Sr 85 m	IV
	Sr 85	IV
	Sr 89	III
	Sr 90	II
	Sr 91	III
	Sr 92	IV
Sulphur (16)	S 35	IV
Tantalum (73)	Ta 182	III
Technetium (43)	Tc 96 m	IV
	Tc 96	IV
	Tc 97 m	IV
	Tc 97	IV
	Tc 99 m	IV
	Tc 99	IV
Tellurium (52)	Te 125 m	IV
	Te 127 m	IV
	Te 127	IV
	Te 129 m	III
	Te 129	IV
	Te 131 m	III
	Te 132	IV
Terbium (65)	Tb 160	III
Thallium (81)	Tl 200	IV
	Tl 201	IV
	Tl 202	IV
	Tl 204	III
Thorium (90)	Th 227	II
	Th 228	I
	Th 230	I
	Th 231	I
	Th 232	III
	Th 234	II
	Th Natural	III

APPENDIX C—TRANSPORT GROUPING OF RADIONUCLIDES—Continued

Element*	Radionuclide***	Group
Thulium (69)	Tm 168	III
	Tm 170	III
	Tm 171	IV
Tin (50)	Sn 113	IV
	Sn 117 m	III
	Sn 121	III
	Sn 125	IV
Tritium (1)	H 3	IV
	H 3 (as gas or luminous paint).	VI
Tungsten (74)	W 181	IV
	W 185	IV
	W 187	IV
Uranium (92)	U 230	II
	U 232	I
	U 233 (F)	II
	U 234	II
	U 235 (F)	III
	U 236	II
	U 238	III
	U Natural	III
	U Enriched (F)	III
	U Depleted	III
Vanadium (23)	V 48	IV
	V 49	III
Xenon (54)	Xe 125	III
	Xe 131 m	III
	Xe 131 m (uncompressed).**	V
	Xe 133	III
	Xe 133 (uncompressed).**	VI
	Xe 135	II
	Xe 135 (uncompressed).**	V
Ytterbium (70)	Yb 175	IV
Yttrium (39)	Y 88	III
	Y 90	IV
	Y 91 m	III
	Y 91	III
	Y 92	IV
	Y 93	IV
Zinc (30)	Zn 65	IV
	Zn 69 m	IV
	Zn 69	IV
Zirconium (40)	Zr 93	IV
	Zr 95	III
	Zr 97	IV

*Atomic number shown in parentheses.

** Uncompressed means at a pressure not exceeding one atmosphere.

*** Atomic weight shown after the radionuclide symbol.

m—Metastable state.

(F) Fissile material.

APPENDIX D—TESTS FOR SPECIAL FORM LICENSED MATERIAL

1. *Free Drop*—A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

2. *Percussion*—Impact of the flat circular end of a 1 inch diameter steel rod weighing 3 pounds, dropped through a distance of 40 inches. The capsule or material shall be placed on a sheet of lead, of hardness number 3.5 to 4.5 on the Vickers scale, and not more than 1 inch thick, supported by a smooth essentially unyielding surface.

3. *Heating*—Heating in air to a temperature of 1,475° F. and remaining at that temperature for a period of 10 minutes.

4. *Immersion*—Immersion for 24 hours in water at room temperature.

The record keeping and reporting requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated at Germantown, Md., this 5th day of July 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 66-7890; Filed, July 21, 1966; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Chapter V of Title 32 is amended as follows:

PART 591—GENERAL PROVISIONS

1. Section 591.103 is revised; Subpart B and §§ 591.307 and 591.307–2 are revoked; §§ 591.310 and 591.314 are revised; and new § 591.314–50 is added, as follows:

§ 591.103 Arrangement of procedure.

The arrangement and numbering of APP are patterned after ASPR. In general, corresponding numbered divisions (paragraphs, parts, or sections) of the ASPR and APP relate to identical subjects. A paragraph or subpart of APP which is numbered in the 50-series (e.g., § 591.107–50, § 591.350) contains subject matter related to but not contained in the ASPR paragraph, part, or section. Omission from APP of a numbered division which appears in ASPR denotes that there is no implementation in APP.

Subpart B—Definition of Terms [Revoked]

§ 591.307 Priorities, allocations, and allotments. [Revoked]

§ 591.307–2 Required use of priorities, allocations, and allotments. [Revoked]

§ 591.310 Liquidated damages.

(a) Where a contractor has applied to the Comptroller General for remission of liquidated damages, appropriate action shall be taken in accordance with the procedures prescribed in § 592.450 and in addition—

(1) If all alternative remedial actions available to the contractor under the contract have not been exhausted (e.g., unresolved claims for extensions of delivery schedules), the administrative report and the contracting officer's statement required by § 592.450(a) shall identify the alternatives and state the actions being taken.

(2) If all alternative remedial actions available to the contractor under the contract have been exhausted, the administrative report and the contracting officer's statement shall include information as to the reasonableness of the rate of assessment of liquidated damages, in relation to the total contract price, and a summary of the actions taken to mitigate the assessment of the damages.

(b) Where a contractor has applied only to the Department of the Army for remission of liquidated damages and alternative administrative remedies within the Department which affect such damages (e.g., settlement of a dispute concerning excusable delay) have not been exhausted, action shall be taken to the end that such remedies are exhausted before processing the case to the Comptroller General. If liquidated damages remain after exhaustion of such administrative remedies, the administrative report required by § 592.450 together with the information required by paragraph (a)(2) of this section, shall be submitted.

(c) In each instance of a transmittal of a request for remission of liquidated damages to be processed to the Comptroller General, the cognizant Head of Procuring Activity shall include a proposed letter to the Comptroller General for signature of the Assistant Secretary of the Army (Installations and Logistics), containing a recommendation concerning the contractor's application.

§ 591.314 Disputes and appeals.

(a) When the dispute involves an amount not in excess of $5,000, the contracting officer shall include a paragraph in his final decision substantially as follows:

If any dispute resulting from the decision hereinabove set forth involves an amount not in excess of $5,000, there is available an Optional Accelerated Procedure of the Board (Rule 12) for disposition of the appeal. In order to invoke such procedure an appellant must request that the appeal be processed under Rule 12.

(b) When an appeal to the Secretary under the Disputes clause has been filed, the Head of Procuring Activity, in addition to furnishing appropriate technical and legal assistance to the contracting officer, shall—

(1) Review the findings of fact for completeness as to all issues bearing on the matter in dispute and for the consistency therewith of the decision from which the appeal is taken;

(2) Review for completeness the contracting officer's comprehensive report, including the evidence submitted in support of his decision;

(3) Advise the contracting officer either to furnish additional support for any decision from which a timely appeal has been taken or to withdraw it, when it is clear from the contract provisions or the applicable law that the decision is not sufficiently supported by available and competent evidence or is erroneous;

(4) Not more than 10 days after taking the action prescribed in subparagraph (3) of this paragraph, notify the Chief Trial Attorney of the nature of the action taken and of an estimated date as to when either additional support will be furnished or the decision will be withdrawn;

(5) Not more than 10 days after receiving the comprehensive report, forward to the Chief Trial Attorney—

(i) Such evaluations, conclusions, and recommendations as he deems appropriate, and

(ii) Any additional evidence considered essential to enable the Chief Trial Attorney properly to protect the interests of the Government before the Armed Services Board of Contract Appeals.

(6) Insure that assistance is rendered to the Chief Trial Attorney in obtaining additional evidence or in making other necessary preparations for presenting the Government's position before the Board.

(c) Decisions of the Board shall be reviewed by the procuring activity and, if the Head of Procuring Activity is of the opinion that a decision should be reconsidered, he may within 10 days of the receipt of the decision, request the Chief Trial Attorney to file a motion for reconsideration, giving the grounds relied upon to sustain the motion.

(d) The Chief Trial Attorney shall present to the Board all Army cases (except that Corps of Engineers attorneys shall act as trial attorneys in connection with Corps of Engineers contract cases). When it has been determined by the Commanding General, U.S. Army Materiel Command that an appeal before the Board has particular significance to his activity and it involves difficult operational and technical facts, he may, on the filing of the comprehensive report and after consultation with The Judge Advocate General, detail to the Chief Trial Attorney an attorney of his procuring activity who shall be an attorney of record.

§ 591.314–50 Procedural instructions keyed to rules of ASPR, Appendix A (§ 30.1 of this title).

(a) *Rule 3.* A notice of appeal received by any Department of the Army agency shall be transmitted direct to the addressee listed in § 591.150(b)(3). In addition to endorsing thereon the date of mailing (or date of receipt, if otherwise conveyed), the original recipient shall preserve and forward any envelope showing the postmark.

(b) *Rule 4.* (1) The contracting officer shall include with the compilation of documents enumerated in Rule 4 a listing of its contents and shall submit the compilation and listing direct to the Board.

(2) At the time of submission of the compilation referred to in subparagraph (1) of this paragraph, the contracting officer shall transmit the following documents direct to the Chief Trial Attorney whose address is in § 591.150(b)(4), with a copy to the cognizant Head of Procuring Activity:

NOTE: The comprehensive report described in subdivision (ii) of this subparagraph shall not be transmitted to the Board or to the contractor.

(i) A copy of the listing and compilation referred to in subparagraph (1) of this paragraph; and

(ii) A comprehensive report which shall include the following:

(*a*) The names and addresses of all potential witnesses, including those of the contractor, if known, having information concerning the facts in dispute;

(*b*) A signed statement by each Government witness reflecting the facts to which he will be able to testify (or a summary thereof if it is impossible to obtain the signed statement), and a statement as to the expected availability of each Government witness at the hearing;

(*c*) An analysis of the contractor's position and a discussion of the validity thereof;

(d) A memorandum by the legal advisor of the official making the decision, setting forth an analysis of the legal issues involved in the dispute and comments upon the adequacy of the findings of fact and the legal sufficiency of the decision; and

(e) The advisory report, if any, of the Contract Settlement Review Board.

(3) A copy of the listing referred to in subparagraph (1) of this paragraph shall be provided the appellant in satisfaction of the listing requirement of Rule 4. The contracting officer shall notify the appellant that if the appellant desires to furnish any additional documentation, the contractor should (i) identify such documentation with the appeal and transmit it direct to the Board, (ii) notify the contracting officer by furnishing him with a list of the documents so transmitted, and (iii) maintain a copy of such documentation for examination by the contracting officer or his representative. If the appellant suggests any additional documentation to be provided by the contracting officer, the contracting officer shall notify the Chief Trial Attorney and shall withhold action with respect to the suggestion until advice of the Chief Trial Attorney has been considered; provided that, this provision does not apply to obvious unintended omission of documentation on the part of the contracting officer.

(4) A copy of all correspondence and all other data and information pertinent to the dispute received by the contracting officer after the comprehensive report has been submitted shall be forwarded promptly direct to the Chief Trial Attorney, with a copy to the cognizant Head of Procuring Activity.

(c) *Rule 6.* (1) If the complaint is received by the contracting officer subsequent to transmittal of the comprehensive report (paragraph (b)(2)(ii) of this section), the contracting officer shall, as promptly as possible but in not more than 15 days after receipt thereof, forward directly to the Chief Trial Attorney with a copy to the cognizant Head of Procuring Activity, supplementary information covering any issues raised by the complaint which were not sufficiently covered in the comprehensive report, including specific admissions or denials of each allegation of fact contained in the complaint and a statement of any affirmative defenses or counterclaims applicable.

(2) The Chief Trial Attorney and the attorneys assigned to his office are authorized to communicate directly by telephone or otherwise with any person or organization to secure any witnesses, documents, or information considered necessary in connection with representing the Government in matters before the Board. The contracting officer shall be informed of any actions taken in connection with the above matters.

(d) *Rule 27.* (1) Upon discovery of new facts or circumstances, the Chief Trial Attorney is authorized, in appropriate cases, to return appeals to the Head of Procuring Activity for reconsideration in the light of additional facts or circumstances disclosed.

(2) An agreement on matters as to which there is no substantial controversy and which will not have the effect of disposing of an appeal may be entered into by the Chief Trial Attorney or by an individual trial attorney; provided that, in the case of a prehearing written stipulation or agreement, authority therefor shall have been granted in advance by the Chief Trial Attorney.

(3) In appropriate cases, such as those where time-consuming delays would occur by returning the appeal to the contracting officer, the Chief Trial Attorney (or an individual trial attorney acting with the prior approval of the Chief Trial Attorney) may enter into an agreement with an appellant which will have the effect of disposing of an appeal after concurrence has been obtained from a representative of the cognizant Head of Procuring Activity. Such agreement may then become the basis of a Board decision disposing of the appeal.

(e) *Rule 29.* (1) The Chief Trial Attorney shall independently review all Board decisions involving Army contracts. If he determines that any such decision should be reconsidered, he shall file with the Board a motion for reconsideration. If, in connection with § 591.314(c), he does not concur with a request of the Head of Procuring Activity that a motion for reconsideration is appropriate, he shall forward the request together with his reasons in opposition, within 5 days, to the Assistant Secretary of the Army (Installations and Logistics) for decision.

(2) At a hearing on a motion for reconsideration, the Government's case normally shall be presented by the Chief Trial Attorney, assisted by the trial attorney who argued the Government's case on the appeal and an attorney designated by the cognizant Head of Procuring Activity.

2. Section 591.350 is revised; new § 591.352 is added; §§ 591.353, 591.354, 591.355, and 591.356 are revised; and §§ 591.357 and 591.359 are revoked, as follows:

§ 591.350 Advance procurement planning.

(a) Advance procurement planning shall be accomplished on all procurements. The scope of such planning will vary with the complexity and dollar value of the item. Such planning shall be coordinated and shall consider the following procurement aspects, where applicable: development, production, future requirements, engineering, programing, fiscal, legal, and contracting. This planning must be accomplished so that procurement actions comply with the policy set forth in § 1.300–1 of this title.

(b) Each Head of Procuring Activity is responsible for the accomplishment of advance procurement planning. The basic objectives shall be to achieve competition in procurement whenever feasible and to develop Requests for Proposals, Invitations for Bids, and contracts which are expressed in concise, intelligible, and consistent language. Drawings must be consistent with specifications; standards and specifications incorporated by reference must be kept to a minimum; and references to standard specifications having no significance must be eliminated.

(c) Requirements personnel shall be directed to accommodate their efforts to the realities of procurement procedures and policies; e.g., they shall not include in special provisions or specifications subject matter or clauses which cover the same ground as prescribed general provisions or conflict therewith; they shall not, without meticulous justification, use restrictive specifications; they shall make every effort to insure that the requirements as described in the contract are complete and unambiguous.

(d) Required planning shall include analysis and thinking through all stages of the procurement up to and including contract completion. One important aspect of the "thinking through" process is a tentative determination of the type of contract (Subpart D, Part 3 of this title) most advantageous to the Government. Development contracts shall be examined by qualified technical personnel for feasibility of obtaining definitive specifications on components as to which design is stable and for which future procurement is contemplated. Incentive contracts shall be analyzed for all possible "break-even" points, for ambiguities in terminology, requirements, or target descriptions, and for combinations of possibilities under any multiple incentives which could result in an undesirable end product or an exorbitant profit.

(e) Advance planning shall provide for the following as appropriate:

(1) The establishment of time-phased objectives in the integrated procurement plan so that periodic review, including a review of each item in the Army Materiel Control Program to determine the adequacy and availability of the procurement data package, is accomplished and appropriate adjustments made;

(2) The review of proprietary items incorporated in the design to substitute wherever practicable standard items or items already in the supply system which will provide adequate performance characteristics consistent with other design requirements;

(3) The inclusion of the following provisions (subject to the provisions of Subpart B, Part 9 of this title) in development contracts or in production contracts that include requirements for production engineering of items for quantity production:

(i) The requirements for preparation of data suitable for competitive procurement in sufficient detail as to kinds, types, and forms; legibility; completeness; and conformance to items actually produced, so as to ensure practicability of enforcement;

(ii) The requirements for use of standard components and other components in existence or for which nonproprietary documentation already exists;

(iii) The requirements that the contractor avoid use of proprietary items or data except when essential for operational safety and reliability of equipment;

(iv) The requirements for submission of newly designed items and proprietary items with appropriate justification for their use to specified locations for screening by the Government;

(v) The quality assurance provisions that require inspection of data for conformance to the data requirements specified, including, as appropriate, sampling plans, acceptable quality levels, and classification of defects;

(vi) The definition of place and time of acceptance of data, including requirements for submission of evidence that unacceptable drawings have been corrected, and certification by the contractor that, to the best of his knowledge and belief, the data accurately depicts the items manufactured;

(vii) The requirements for the contractor to establish and maintain an effective system of control to assure conformance to data requirements, and to submit his plan for accomplishment to the contracting officer for information; and

(viii) When appropriate, provisions for selection of random data for detailed analysis by Government engineering personnel for compliance with specified requirements and comparison with items produced, and provisions for correction by the contractor for inadequacies found;

(4) The provision by the Head of Procuring Activity, for the purpose of assuring adequate and timely preparation of data by contractors for use in competitive procurement, to—

(i) Provide for continuous guidance to contractors and review of data during the period of its development by technical personnel and inspectors to insure understanding and compliance with contract requirements;

(ii) Screen newly developed components and proprietary data submitted by contractors and substitute standard components, components already in existence, or components already documented whenever practicable. (Items or components claimed by contractors to be proprietary without justification or proof will be challenged with the assistance and guidance of the procuring activity's legal staff.);

(iii) Perform timely administrative followup to insure scheduled delivery dates for data are met; and

(iv) When feasible, perform verification inspection prior to final acceptance of data, using inspection records of contractors to the maximum practicable extent, to insure compliance with contract requirements;

(5) The establishment of realistic administrative and production leadtime to permit competitive solicitation, negotiation, analysis, and award schedules for orderly and efficient production;

(6) The provision to insure that the first production contract includes a requirement for changes to the engineering drawings furnished under the research and development contract to reflect production practices and the item actually being produced, unless previously accomplished under advance production engineering. This provision will result in a set of Class I or II (MIL–D–70327) production drawings which will include all data developed under the research and development contract and will form the basis for subsequent competitive procurements. To insure the use of these production drawings for manufacture, inspection, and reprocurement, a set of the drawings shall be delivered no later than at completion of delivery of production items under the initial production contract, and preferably concurrently with the initial submission of the production items for acceptance;

(7) The breakout and competitive procurement of components of weapon systems and other complex items without compromise of system performance, safety, or reliability, and with due regard to stability of design, density of the item, and any additional facilities required; and

(8) The dissemination of information regarding availability of procurement data adequate for competitive procurement.

§ 591.352 Open End Contract Information Circulars (OECIC).

(a) *General.* OECIC's are Department of the Army circulars of the 718–series which contain information concerning the existence of contracts described in § 3.409 of this title initiated by contracting officers within the U.S. Army Materiel Command to fill requirements that are nationwide in scope or that cover a large geographic area. An OECIC may be published for an individual item or group of related items when (1) the appropriate indefinite delivery type contract is used and (2) the Commanding General, U.S. Army Materiel Command or his designee determines that sufficient requirements over a large area exist. OECIC's are not published for subsistence or POL.

(b) *Contents.* The OECIC contains information such as circular number and expiration date, item description, contractor, contract number, and effective period, whether its use is optional or mandatory, limitations on maximum or minimum orders, whether delivery is f.o.b. point of origin or destination or otherwise, time allowed for delivery, whether provision has been made for exchange or trade in of used items, level of packing and packaging required, the name and address to which delivery orders should be sent, an address where contracting officers may forward a direct request for a copy of the contract for the purpose of obtaining needed information as to price and other details, and rescissions of previous circulars.

(c) *Responsibility for use.* Each Department of the Army contracting officer located within the United States shall take the following actions with respect to OECIC—

(1) Obtain and promptly review for applicability to his mission,

(2) Secure complete contract information as needed, and

(3) Use to the maximum appropriate extent.

§ 591.353 Administrative and managerial services.

Department of the Army contracts shall not be placed for the performance of clerical, administrative, or managerial functions which are normally performed by regular employees of the Government and which by their nature require the exercise of discretion, independence of judgment, decision, or direction, by an official of the Government.

§ 591.354 Scheduling of production of newly developed items and production from new producers.

When contracting for the production of newly developed items, or when contracting for production from new untried producers, deliveries shall be scheduled so that large quantities will not be produced prior to the completion of essential confirmatory tests. Contracts may specify that the contractor will control his inventories and other commitments during early production stages so as to permit adequate acceptability tests before incurring heavy expenditures. To prevent delays in deliveries, the schedule for the testing of the items and the quantity of items to be tested shall be established prior to the placement of the contract.

§ 591.355 Extension of contracts.

(a) *General.* Contracts should not be extended or renewed by option or otherwise for protracted periods of time, thus eliminating competition and perpetuating the use of outmoded clauses, terms, and conditions. Contracts involving successive procurements or continuing services should normally be closed out after not more than two extensions of the basic contract. An entirely new contract should be awarded for subsequent procurement of the item or service if further procurement is justified. Nothing in this section shall be construed as (1) authorizing the negotiation of any contract, (2) eliminating any requirements for approvals, or (3) constituting an exception from any limitation on the use of funds.

(b) *Approval required*—(1) *First or second extension.* The contracting officer may enter into one or two extensions of a basic contract if he considers the action necessary.

(2) *Third or fourth extension.* A third or fourth extension beyond the term of the basic contract shall be made only with the advance written approval of the Head of Procuring Activity. To permit timely action, the request must be submitted to reach the Head of Procuring Activity 3 months prior to the expiration date of the contract.

(3) *Extension beyond fourth.* Extension of the basic contract subsequent to the fourth shall be made only with the advance written approval of (i) the Com-

manding General, Deputy Commanding General, or the Director of Procurement and Production of the U.S. Army Materiel Command for all activites of that Command, or (ii) the Director of Procurement, OASA (I&L), for all other activities. Requests for approval to take such action shall be submitted to reach the appropriate addressee at least 3 months prior to the expiration of the previously approved extension date of the contract.

(c) *Justification.* A complete justification, including specific details, must be shown for each contract extension. Justifications may include but are not limited to such items as—

(1) The excessive burden to renumber Government property records;

(2) The increased costs or delay in production required to establish a new contract;

(3) The increased costs due to elimination of special concessions or other problems peculiar to a new contract;

(4) The substantial financial interests of the Government in severable and nonseverable facilities that are not readily transferable to another contractor; and

(5) The relatively small quantity remaining to be produced so that the entire contract can be completed within 6 months.

(d) *Exceptions.* The approval requirements of (b) above do not apply to the following types of contracts which may normally extend for longer periods of time. The contracting officer shall, however, place written justification in the contract file, fully supporting the continuation of these contracts beyond 5 years.

(1) Basic Agreements,

(2) Facilities Contracts,

(3) Government-Owned Contractor Operated (GOCO) Ammunition Plants,

(4) Layaway Contracts,

(5) Leases,

(6) Production Engineering Contracts,

(7) Research and Development Contracts,

(8) Utilities Contracts, and

(9) Corps of Engineers Contracts for Title Evidence.

§ 591.356 Limitations on purchase and maintenance of motor vehicles or aircraft.

Section 16 of the Act approved August 2, 1946, as amended (5 U.S.C. 78, 78a, and 78a–1) restricts the purchase or hire of passenger motor vehicles or aircraft and their maintenance, operation, and repair.

§ 591.357 Extension of contracts. [Revoked]

§ 591.359 Limitation on purchase and maintenance of motor vehicles or aircraft. [Revoked]

3. Paragraphs (a) and (b) in § 591.401 are revised; §§ 591.402, 591.403, and 591.403–50 are revised; and new §§ 591.403–51, 591.403–52, 591.403–53, and 591.403–54 are added, as follows:

§ 591.401 Responsibility of each procuring activity.

(a) Each Head of Procuring Activity shall insure that purchases are made in accordance with applicable regulations only by contracting officers appointed pursuant to § 1.405 of this title or by ordering officers appointed pursuant to § 591.452.

(b) When not inconsistent with directives of higher authority, a Head of Procuring Activity may delegate, with or without the power of redelegation, the authority to carry out functions with which he is charged.

* * * * *

§ 591.402 Authority of contracting officers.

(a) Subject to any limitation in the Certificate of Appointment, DD Form 1539, appointing an individual as a contracting officer, a properly appointed contracting officer is granted all authority conferred by law, ASPR, APP, and Head of Procuring Activity instructions.

(b) A contracting officer is responsible for knowing and observing the scope and limitations of his authority and may not exceed such authority.

(c) A contracting officer may enter into, amend, modify, and take other action with respect to contracts, provided (1) approval of award has been obtained if approval is required and the contract embodies the award as approved, (2) the contract is written (on a standard or approved form, if such form is prescribed), (3) the contract is authorized by law and complies with the provisions of ASPR and APP with respect to the use of contract clauses and does not contain any clause or involve matters in conflict with the established policy of higher authority and, (4) the contract complies with all other requirements of law, the ASPR, the APP, and applicable procuring activity instructions.

(d) A contracting officer has authority, when it is in the best interest of the Government to do so, to consider a contract completed even though an inconsequential quantity of items or services called for by the contract has not been delivered. This authority may be exercised only when—

(1) Payment is provided for on a unit price or other severable basis and no further performance is contemplated;

(2) Payment is made only for the performance actually rendered;

(3) The undelivered portion is inconsequential and the cost of effecting a formal contract modification (including but not limited to taking termination action) is excessive in relation to the benefits to the Government from such action; and

(4) The contracting officer makes a statement in writing, setting forth data identifying the contract, describing the circumstances to show clearly that the criteria above have been met, and stating that the contract is considered completed. This statement shall be distributed to the contract files, the contractor, the appropriate finance and accounting officer, and to any other appropriate Government office (e.g., consignee, inspector). This statement is not necessary where quantities delivered fall within variations permitted by the contract terms.

§ 591.403 Requirements to be met before entering into contracts.

§ 591.403–50 Availability of funds.

Prior to the solicitation of bids, proposals, or quotations, except as authorized in §§ 1.309, 1.318, and 1.322 of this title, and prior to the award of any contract, purchase order, or delivery order, the contracting officer shall ensure that sufficient funds are available for the procurement contemplated and shall include a citation of the funds to be charged together with a certificate of availability of funds as part of the file. Each contract, purchase order, and delivery order shall reflect the complete accounting classification. (See AR 37–21, 37–42, and 37–102.)

§ 591.403–51 Review of solicitations for bids or proposals.

Legal advice and assistance of a staff judge advocate or other legal counsel shall be obtained in the preparation and use of clauses other than standard clauses which are to be contained in invitations for bids and requests for proposals. In each solicitation for bids and proposals which will result in a contract exceeding $100,000, each invitation for bids and request for proposals shall be reviewed for legal sufficiency by a staff judge advocate or other legal counsel prior to issuance by the contracting officer. In addition, each solicitation for bids or proposals, which will result in a contract over $10,000 but not over $100,000 also shall be subject to legal review to the maximum extent possible consistent with the availability of legal services. As warranted by the situation, legal advice and assistance shall be obtained from the command judge advocate or other legal counsel as to the legal aspects of contracts. Each Head of Procuring Activity shall insure that such advice and assistance are available to the procurement personnel at the headquarters of the procuring activity when not available at the field level.

§ 591.403–52 Review of contracts and modifications.

(a) To insure (1) that applicable provisions of ASPR, APP, and other procedural requirements are satisfied and (2) that the proposed action represents a good "business" judgment from the Government's viewpoint, each proposed contract or modification of $10,000 or more shall receive an independent advisory review by at least one competent person other than the contracting officer. This review applies to both advertised and negotiated procurements, and shall be conducted prior to seeking approval at a level above the contracting officer if such higher level approval is required in the particular case.

(b) Sound judgment and the characteristics of the proposed contract or modification shall govern the scope of the review to be conducted in each case, provided that in any event the review shall comply with any other specifically applicable regulation, such as § 3.102(c) of this title. As a guide, a review shall take into account the following four major aspects: (1) the procurement

documents themselves (e.g., clarity, consistency, completeness, use of required forms, clauses and specifications); (2) the procurement method (e.g., advertising negotiation, competition, sole source, suitability for set-aside, adherence to procurement plan or specific guidance from higher authority); (3) support for actions to be taken (e.g., existence of proper authority for use of negotiation or type of contract if applicable, existence of Government estimate of price, preaward survey, adequacy of any justifications or determinations required of contracting officer, need for technical data, adequacy of pricing data, input from members of contracting officer's "team," necessity for deviations) and (4) comparison with alternatives (e.g., how else could the procurement objective be accomplished and what are the relative advantages and disadvantages?).

§ 591.403–53 Contracts and awards subject to approval.

If approval of a contract, modification, or change order by any officer or official of the Department of the Army other than the contracting officer is required, (a) the Approval of Contract clause set forth in § 7.105–2 of this title shall be included, (b) all changes and deletions shall have been made before approval is requested, and (c) the contract, modification, or change order shall not be binding upon the Government until so approved, even though signed by the contractor and the contracting officer.

§ 591.403–54 Secretarial preaward review and notation.

Information relative to proposed procurements for certain supplies, services, equipment, research and development projects, or for certain classes thereof shall be submitted for Secretarial preaward review and notation.

(a) *Proposed awards to be reviewed by the Assistant Secretary of the Army (Installations and Logistics).* (1) Procurements determined by a Head of Procuring Activity to be of such an intricate and complex nature that the proposed procurement should be reviewed by the Secretary.

(2) Procurements determined by the Commanding General, U.S. Army Materiel Command (or his designees) to be of such importance as to warrant review by the Secretary.

(3) Individual procurements which, from time to time, the Secretary may specifically request to be submitted for review.

(b) *Proposed awards to be reviewed by the Assistant Secretary of the Army (Research and Development).* (1) Procurements funded by RDTE appropriations which are determined by the Head of Procuring Activity to be of such an intricate and complex nature that the proposed procurement should be reviewed by the Secretary.

(2) Procurements determined by the Commanding General, U.S. Army Materiel Command (or his designees) to be of such importance as to warrant review by the Secretary.

(3) Individual procurements which, from time to time, the Secretary may specifically request to be submitted for review.

4. New § 591.405 is added; § 591.450 is revised; and new §§ 591.450–1, 591.450–2, 591.450–3, 591.450–4, 591.450–5, 591.450–6, 591.450–7, 591.450–8, and 591.450–9 are added, as follows:

§ 591.405 Selection, appointment, and termination of appointment of contracting officers.

(a) The additional persons listed below, or the designees of the persons listed in subparagraphs (1) or (2) of this paragraph, may select, appoint, and terminate the appointment of contracting officers.

(1) Under Secretary of the Army or the Assistant Secretary of the Army (Installations and Logistics).

(2) Director of Procurement, OASA (I&L).

(3) The Head of Procuring Activity, his deputy or principal assistant in the headquarters office responsible for procurement.

(4) An attaché.

(5) A chief of foreign mission (Army).

(6) A chief of a Department of the Army element of a joint military mission not operating under the cognizance of a major oversea command.

(7) Superintendent, U.S. Military Academy.

(b) The persons listed in paragraph (a) (3) through (7) of this section shall exercise this authority without power of redelegation. The number of contracting officers designated in any purchasing office shall be kept to the minimum essential to efficient operation. Subject to the availability of funds and to compliance with ASPR, APP, and other pertinent procurement directives, authority is hereby delegated to the officials set forth in paragraph (a) (3) through (7) of this section, to make necessary procurement of supplies and services required to carry out their functions.

§ 591.450 Approval of awards of contracts.

§ 591.451–1 General.

Subject to any further instructions which may be issued by the Head of Procuring Activity, awards of contracts (including modifications) may be made by contracting officers without the approval of the award by higher authority, except as set forth in the following §§ 591.450–2 through 591.450–9, and in § 591.403–54.

§ 591.450–2 Personal and professional services.

(a) Statutory provisions (see § 594.5101) require Secretarial action before an award may be made of certain contracts for the temporary or intermittent services of experts, consultants, or stenographic reporters. Procedures for submission for Secretarial action are set forth in Subpart YY, Part 594 of this chapter. If the Secretary considers the proposed action proper, he may either make the necessary determinations and approve the proposed award, or he may make the necessary determinations and authorize the cognizant Head of Procuring Activity to approve the award in the submitted case. A submission for Secretarial action, however, shall be presented on the basis that the Secretary may desire to make the necessary determinations and approve the proposed award at the same time.

(b) As to certain categories of services, the Secretary makes the determinations required by statute as of the beginning of each fiscal year and delegates the authority to approve awards of contracts for such services. This delegated authority to approve awards of contracts in the specified categories is given annually to certain Heads of Procuring Activities. See § 594.5103–3(b) of this chapter for procedure for submittal to the Head of Procuring Activity. Thus, when a Head of Procuring Activity has been authorized to approve an award of a contract for one or more of such categories, submission to the Secretary before award, as described in subparagraph (a) of this section, is not required. The categories of services for which the Secretary normally makes annual determinations are—

(1) Contracts for personal services of alien specialists necessary to meet the requirements of the Defense Scientists Immigration Program—B (DEF SIP–B); (formerly "Project 63");

(2) Contracts for personal services to be performed outside the United States of experts and consultants in the field of radio announcing in Asian languages, geodetics, anthropology, and chemical analysis;

(3) Contracts for stenographic reporting services, where the services of qualified Government personnel are not available, in connection with hearings before the New York Industrial Personnel Security Hearing Board, the functions of the Inspectors General, and hearings before claims and appeals boards of procuring activities;

(4) Contracts for the personal services of actors, narrators, and other technical and professional personnel (excluding organizations thereof) necessary in connection with motion picture or television production; and

(5) Contracts for personal services outside the United States of experts or consultants in the field of law.

§ 591.450–3 Construction or rehabilitation of facilities, and repairs and utilities.

Awards of contracts and modifications of contracts for construction or rehabilitation of facilities, and repairs and utilities do not require approval by higher authority, unless otherwise required by the Head of Procuring Activity. See, however, AR 415–20, AR 415–25, AR 415–35, AR 420–10 and related DA Circulars and directives.

§ 591.450–4 Architect-engineer services.

(a) *General.* An architect-engineer (A–E) contract for the production and delivery of designs, plans, drawings, and specifications is referred to as one for Title I services; and A–E contract for the supervision and inspection of construc-

tion is referred to as one for Title II services. Authority to contract for Title I and Title II services in the Department of the Army is limited to such procuring activities as have been specifically delegated authority to do so in an annual delegation from the Assistant Secretary of the Army (Installations and Logistics). Responsibility for Army implementation of DOD Directives pertaining to uniform standards for the selection of A–E firms for professional services and uniform standards for the employment and payment of A–E services has been assigned to the U.S. Army Corps of Engineers.

(b) *Selection of contractors.* The selection of a prospective A–E contractor is governed by the procedures set forth in § 18.402 of this title. See also the OCE publication entitled "Uniform Standards for the Employment and Payment of Architect-Engineer Services." Submittals for approval at a level above the Chief of Engineers pursuant to § 18.402–3 of this title shall be made, through the Office, Chief of Engineers to the addressee at § 591.150(b)(1). A submittal shall contain a statement of the selection proposed together with information in support thereof and sufficient facts to show compliance with ASPR and other DOD requirements.

(c) *Approval of awards.* If the Secretarial delegation imposes a dollar limitation upon award approval authority, the cognizant Head of Procuring Activity who is subject to the limitation shall submit any proposed award of A–E contract for either Title I or Title II services, or both, to the addressee in § 591.150(b)(6), through the Office, Chief of Engineers, in the following instances:

(1) When the contract price for either Title I or Title II services, or both, exceeds the dollar limitation; or

(2) Prior to increasing an existing A–E contract price from an amount equal to or less than the dollar limitation to more than the limitation; provided, however, that award approval of a modification at Secretarial level is not required, regardless of amount, if the proposed modification pertains to either (i) a contract previously approved at such level or (ii) a contract having a previous modification which has been so approved and in either case contains no material deviation from provisions previously approved.

(d) *Coordination.* To provide for uniform application of criteria for A–E contracts within the Department of the Army, any procuring activity (except the Corps of Engineers) granted authority to contract for A–E services shall coordinate plans for entering into such contracts with the appropriate U.S. Army Engineer Division or District prior to selection of the prospective contractor and to negotiation of the proposed contract.

(e) *Master Planning.* Authority to negotiate and award A–E contracts relating to Master Planning is restricted and is subject to the specific limitations and exclusions set forth in the annual delegation of authority referred to in paragraph (a) of this section.

(f) *Pricing of A–E contract for nonpersonal services.* Compensation for A–E services is subject to the following:

(1) The consideration paid to an A–E under any fixed-price type contract for Title I services may not be more than 6 percent of the estimated cost of the public work or utilities project (or portion thereof) for which the A–E undertakes to perform such services. The consideration which may be paid under a cost-reimbursement type contract for Title I services is subject to the limitations set forth in §§ 3.405–4(c) and 3.405–5(c)(2) of this title, whichever is applicable. When an A–E contract calls for both Title I services and Title II services, the consideration to be paid the contractor for Title I services shall be separately stated therein.

(2) The A–E contract price shall be negotiated in accordance with the applicable parts and related exhibits of the publication "Uniform Standards for the Employment and Payment of Architect-Engineer Services."

(g) *A–E contract for personal services.* A personal services contract with an individual for A–E services (See § 594.5104(a)) is subject to the requirements set forth in §§ 594.5103–4 and 594.5103–5(c), (e), and (f). Award approval by the Head of Procuring Activity shall be obtained in the same manner as provided in § 594.5103–3(b).

§ 591.450–5 Utilities services.

(a) *Procurement of power, gas, water.* The Chief of Engineers, acting for the Secretary of the Army, is the Department of the Army Power Procurement Officer and in this capacity is responsible for the administration of the purchase and sale of utilities services, and for policies, engineering, rates, and legal sufficiency in connection with all utilities services transactions and contracts relating thereto in which the Department of the Army has a monetary interest. The purchase of utilities services is governed by AR 420–41 and AR 420–62, which define the term "utilities services" and prescribe the required approvals for utilities services contracts and modifications. All contracts and modifications which, under the provisions of the above regulations, are subject to the approval of the Army Power Procurement Officer or his authorized representative, shall be submitted to the Chief of Engineers, Attention: Army Power Procurement Officer, together with the following information:

(1) The complete load data;

(2) The estimated maximum demand in kilowatts;

(3) The estimated average monthly demand in kilowatts;

(4) The estimated average monthly usage in kilowatt-hours;

(5) The estimated power factor;

(6) Similar applicable information for the estimated usage of water, gas, sewage disposal, and steam contracts; and

(7) Any other available pertinent information that will facilitate review, including but not limited to, analysis of available rates and charges, supporting data for estimates of damage and use, and difficulties experienced in negotiation.

(b) *Procurement of communications services.* The Commanding General, U.S. Army Strategic Communications Command and the Commanding General, U.S. Continental Army Command, have been delegated authority to enter into contracts for communications services for periods extending beyond a current fiscal year, but not exceeding 10 years. Although this authority may be redelegated, a contracting officer who has not been delegated such authority may not procure communications services with annual funds for periods beyond the end of the current fiscal year. Procurement of leased communication circuits, of telephone and telegraph communication facilities and services, and of certain other communication services is normally accomplished by the issuance of a Communication Service Authorization (CSA), DD Form 428. CSA's are issued against outstanding basic agreements, or indefinite quantity, indefinite delivery type contracts entered into by the Defense Communications Agency, the U.S. Army Strategic Communications Command, or other central agency. Limitations on procurements accomplished by issuance of CSA's are as follows:

(1) The CSA will not call for communication services beyond the end of the fiscal year applicable to the annual funds available for obligation unless it is approved by one of the Secretarial designees referred to above or unless the appropriate authority has been redelegated to the cognizant contracting officer;

(2) The CSA will not call for communication services beyond the expiration date of the contract or agreement under which it is issued;

(3) The CSA will not call for communication services for a period greater than 10 years or such lesser period as may have been specified in the redelegation to the contracting officer; and

(4) Each CSA will contain a specific date within subparagraphs (1), (2), or (3) of this paragraph, as appropriate, upon the happening of which the CSA expires by its own terms.

§ 591.450–6 Government-Owned Contractor-Operated Plants (GOCO).

A Head of Procuring Activity is authorized to approve awards of contracts and modifications to contracts for the maintenance or operation of, or for manufacture in, GOCO plants. This authority may be redelegated to the extent deemed necessary without authority of further redelegation.

§ 591.450–7 Management engineering services.

(a) Management engineering services and activities are explained in paragraph 2, AR 1–110. A contracting officer shall not execute a contract (or modification) for management engineering services prior to receipt, through channels, of Secretarial approval of the project. In the event that proposed contracts and modifications to contracts for manage-

ment engineering services are forwarded to higher authority in connection with obtaining Secretarial approval of the project as required by paragraph 7, AR 1–110, the proposed contracts or modifications to contracts shall be submitted through the Comptroller of the Army to the Secretary.

(b) If proposed contracts and modifications to contracts for management engineering services are forwarded to the Secretary for contract award approval because (1) the services being procured are of a personal services nature (§ 591.450–2), or (2) Secretarial approval of award is required or desired for other reasons, such proposed contracts or modifications to contracts shall be submitted to the addressee in § 591.150(b)(6).

(c) AR 1–110 is not applicable to the employment of experts or consultants on a per diem basis (§ 591.450–2).

§ 591.450–8 Leases of Government personal property.

Proposed leases and modifications to leases of Government personal property, except as otherwise provided by specific delegation of the Secretary, shall be submitted for approval to the addressee listed in § 591.150(b)(6).

§ 591.450–9 Automatic Data Processing Equipment (ADPE).

(a) In connection with the award of contracts for acquisition or use of ADPE, see AR 1–251.

(b) If the proposed equipment is to be used for classified information, consideration should be given to classified AR 380–46, "Restrictions on Use of Information Processing Equipment," before requests for ADPE equipment procurement are submitted.

5. Section 591.452 is revised and new §§ 591.452–1, 591.452–2, 591.452–3, 591.452–4, 591.452–5, 591.452–6, 591.452–7, 591.452–8, 591.452–9, 591.452–10, 591.452–11, 591.452–12, 591.452–13, 591.452–14, and 591.452–15 are added, as follows:

§ 591.452 Selection and appointment of ordering officers.

§ 591.452–1 Definition.

An "Ordering Officer" is an individual (military or civilian) operating under the jurisdiction of the Department of the Army who is appointed an ordering officer or an alternate ordering officer pursuant to § 591.452–3 and who is thereby granted specific authority to purchase supplies and nonpersonal services within the limitations set forth in § 591.452–5 through 591.452–11.

§ 591.452–2 Qualifications.

(a) Individuals selected for appointment as ordering officers shall possess the qualifications set forth in § 1.405–1 (a) of this title.

(b) Accountable property officers may be appointed as ordering officers only for the purposes set forth in § 591.452–7.

(c) Individuals designated as Imprest Fund Cashiers may not perform other functions, especially in preparing requisitions, receiving supplies, paying invoices, and being assigned to activities where they have access to supply rooms; consequently, imprest fund cashiers may not be appointed as ordering officers, except for the National Guard and except at isolated "off-post" locations (§ 591.452–3(c)).

§ 591.452–3 Appointment.

(a) Ordering officers may be appointed only by (1) persons authorized to appoint contracting officers (§ 591.405), or (2) contracting officers whose Certificates of Appointment (DD Forms 1539) delegate to them the authority to appoint ordering officers. Letters of appointment shall be signed personally by the appointing authority and shall be substantially in the format set forth in § 591.452–14.

(b) The number of "on-post" ordering officers at Class I and Class II installations shall be kept to the minimum considered by the appointing authority to be essential for the efficient performance of the procurement mission and shall not exceed (1) one per consolidated property account; (2) one per property account at installations where consolidated property accounts have not been established; (3) one per consolidated property account and one per property account at installations where both types of accounts are established; (4) one per commissary; (5) an accountable property officer for the purposes set forth in § 591.452–7; (6) a transportation officer or transportation and traffic management officer for the purposes set forth in § 591.452–8; and (7) one per tenant activity as defined in AR 320–5. Ordering officers shall not be appointed as a means of or for the purposes of decentralizing procurement functions at an installation.

(c) Ordering officers may be appointed at isolated "off-post" locations and for other military activities or Government agencies satellited upon a Department of the Army installation when the appointing authority (see paragraph (a) of this section) determines their appointment to be essential for the efficient performance of the procurement support mission. An individual may be appointed as both the ordering officer and the imprest fund cashier at an isolated "off-post" location if it is not feasible to appoint different individuals in each capacity and the appointment has been approved in writing by the cognizant Head of Procuring Activity prior to the effective date of appointment.

(d) One alternate ordering officer may be appointed for each ordering officer other than accountable property officers (see § 591.452–2(b)). Alternate ordering officers may act only during official absences of ordering officers.

(e) An ordering officer shall make purchases in his own name and shall sign purchase documents only under the title of "Ordering Officer."

(f) Letters of appointment shall state clearly the authority and limitations of individuals appointed as ordering officers and shall state whether the individual is appointed as an ordering officer or as an alternate ordering officer. Department of the Army aviators who make purchases as ordering officers (§ 591.452–10) may cite applicable special orders or other authority for flights as authority to make purchases in lieu of letters of appointment.

§ 591.452–4 Orientation and instruction.

(a) Before an individual is appointed as an ordering officer, the contracting officer to whom the ordering officer will be responsible shall assure himself that the individual possesses the qualifications set forth in § 591.452–2 and shall personally orient and instruct the individual in:

(1) The proper use of small purchase procedures, particularly with respect to the limitations of authority of the ordering officer, supplies and nonpersonal services which are required to be purchased from mandatory sources, and supplies and nonpersonal services which are available both from Federal Supply Schedules and General Services Administration Stores Depots;

(2) The standards of conduct for Department of the Army personnel contained in AR 600–50; and

(3) The preparation and submission of information for procurement reporting purposes (§ 591.452–12).

(b) Contracting officers shall:

(1) Furnish copies of blanket purchase agreements and indefinite delivery type contracts to those ordering officers authorized to place calls against the agreements or contracts;

(2) Instruct ordering officers promptly whenever changes are made to (i) small purchase procedures, (ii) supplies or nonpersonal services required to be purchased from mandatory sources, (iii) standards of conduct for Department of the Army personnel, or (iv) reporting requirements; and

(3) Maintain a file containing all documents (such as resumes, references, and records of training) necessary to support the appointment of each ordering officer.

§ 591.452–5 Authority.

(a) Except as permitted in §§ 591.452–6 through 591.452–11, the authority of ordering officers shall be limited to purchases of $250 or less and to the use of the following:

(1) Standard Form 44 (Purchase Order—Invoice—Voucher);

(2) Standard Form 1165 (Receipt for Cash—Subvoucher);

(3) Blanket Purchase Agreements established by the contracting officer;

(4) DD Forms 1155 (Order for Supplies or Services) in accordance with §§ 591.452–7 and 591.452–8.

(5) DD Form 1348-series for ordering supplies under MILSTRIP from General Services Administration Stores Depots in accordance with § 591.452–7.

(6) Order for Subsistence forms authorized in AR 31–200 for use by commissary ordering officers; and

(7) DD Forms 1164 (Service Order for Household Goods) in accordance with § 591.452–8.

(b) Except as provided in §§ 591.452–6, and 591.452–7, and 591.452–8, the authority of ordering officers shall be limited to purchases of "fringe" items as defined in AR 320–5 and referred to in AR 711–16, and supplies and nonpersonal services for emergency repairs or repair of deadlined equipment authorized for local purchase by AR 715–30.

§ 591.452–6 Commissary ordering officers.

(a) Commissary ordering officers may be authorized to place calls or orders in excess of small purchase monetary limitations:

(1) Against Brand Name contracts published in Defense Supply Agency Brand Name Supply Bulletins in the SB 10–500-series;

(2) Against Defense Personnel Support Center requirements contracts for fresh milk and dairy products;

(3) Against blanket purchase agreements for subsistence items, provided that the agreements contain the Examination of Records clause prescribed in § 7.104–15 of this title; and

(4) Against those Federal Supply Schedules mandatory on commissary purchases.

(b) Commissary ordering officers may use order forms prescribed in AR 31–200.

§ 591.452–7 Accountable property officers.

(a) Accountable property officers appointed as ordering officers may be authorized to sign and place delivery orders (DD Form 1155) in excess of small purchase monetary limitations against General Services Administration Stores Depots, Federal Supply Schedules, Federal Stock Pile items maintained by the Defense Materials System of General Services Administration, and indefinite delivery type contracts.

(b) In ordering supplies under MILSTRIP (AR 725–50) from General Services Administration Stores Depots, the ordering officer shall use the DD Form 1348-series. An ordering officer under this paragraph shall be the consolidated property officer, except that, if there is no consolidated property officer, he shall be the accountable property officer who is authorized to requisition on the Defense Supply Agency and Army supply systems.

§ 591.452–8 Transportation officers or transportation and traffic management officers.

Transportation officers or transportation and traffic management officers may be appointed as ordering officers at installations or activities having (a) assigned area responsibilities under AR 55–42, or (b) local agreements within the scope of the authority contained in AR 55–42, with authority to issue Service Orders (DD Forms 1164) estimated to cost $2,500 or less, subject to the criteria and procedures set forth in AR 55–42 and AR 743–455; and to issue delivery orders (DD Forms 1155) against contracts for preparation of household goods for shipment, Government storage, and related services.

§ 591.452–9 Defense Petroleum Supply Center contracts.

Contracting officers may authorize ordering officers to place orders in excess of small purchase monetary limitations against requirements type contracts awarded by the Defense Petroleum Supply Center.

§ 591.452–10 Department of the Army Aviators.

Department of the Army Aviators may make purchases in accordance with AR 715–232.

§ 591.452–11 Ordering officers of other Military Departments or other Government agencies.

With the approval of the installation contracting officer, ordering officers of another Military Department or Government Agency satellited upon a Department of the Army installation may purchase those supplies or nonpersonal services required to accomplish an assigned mission and may sign and place delivery orders against General Services Administration Stores Depots, Federal Supply Schedules, and indefinite delivery type contracts.

§ 591.452–12 Reporting requirements.

(a) No later than the 27th day of each month, each ordering officer shall furnish to the contracting officer information concerning individual purchase transactions completed during the preceding monthly period (26th through 25th) in such a manner that the information furnished may readily be consolidated by the contracting officer into DD Forms 1057 (Monthly Procurement Summary by Purchasing Office) (RCS CSGLD–534 (R6)). For the month of June only, this information shall be furnished no later than the 3d day of July and shall include all purchases made during the period 26 May through 30 June.

(b) When required by ASPR, each ordering officer shall prepare and submit to the contracting officer DD Forms 350 (Individual Procurement Action Report) (RCS CSGLD–525(R7)). The contracting officer shall furnish the ordering officer with the information he will need to complete blocks 10A, 10B, 10C, 15, 16, 17, 18, 19, 20, 21, and 22, and any other information necessary for the completion of the form which is not readily available to the ordering officer.

§ 591.452–13 Surveillance.

(a) Installation tenant and "on-post" ordering officers shall be under the control and technical supervision of the installation contracting officer. The activities of the ordering officers shall be inspected by the contracting officer or his designee at least twice each year.

(b) Isolated or "off-post" ordering officers shall be under the control and technical supervision of the parent installation contracting officer. The activities of these ordering officers shall be inspected or reviewed by the contracting officer or his designee at least once each year.

(c) Copies of inspection findings shall be retained for 1 year in the files of the ordering officer and of the contracting officer. Inspection findings shall include specific comments as to whether or not the ordering officer is:

(1) Purchasing only "fringe" items or supplies and nonpersonal services for emergency repairs or repair of deadlined equipment;

(2) Equitably distributing purchases among suppliers;

(3) Maintaining the standards of conduct prescribed in AR 600–50 in his dealings with suppliers;

(4) Purchasing supplies or nonpersonal services on the open market which are required to be purchased from mandatory sources;

(5) Splitting purchase transactions to avoid monetary limitations;

(6) Delegating his authority to others; and

(7) Submitting proper and timely information to contracting officers for procurement reporting purposes.

(d) Should a contracting officer find that an ordering officer is not properly discharging his duties, he shall either terminate his appointment or instruct him further in the proper manner of making purchases, whichever action is warranted.

(e) Contracting officers shall insure that ordering officers promptly correct all deficiencies found during inspections.

§ 591.452–14 Format for letters of appointment of ordering officers.

(a) The following format is appropriate for letters of appointment of ordering officers authorizing their use of imprest funds, Standard Forms 44, and blanket purchase agreements. Wherever wording is in parentheses or wherever an asterisk precedes a subparagraph, delete the inapplicable wording.

SUBJECT: Appointment of (Ordering Officer) (Alternate Ordering Officer).

To: (Address to individual, indicating rank or grade, section or location, and activity or installation).

1. *Appointment.* Pursuant to the authority contained in Army Procurement Procedure 1–452.3, you are appointed an (Ordering Officer) (Alternate Ordering Officer) with authority to purchase supplies and nonpersonal services of (indicate category). Your appointment is effective (insert date which shall be subsequent to the date of orientation and instruction by the contracting officer) and shall remain effective, unless sooner revoked, until you are reassigned or your employment is terminated. You are responsible to and under the control and technical supervision of the (name of installation) Contracting Officer for your actions as an Ordering Officer.

2. *Purchase Methods, Limitations, and Requirements.* Your appointment is subject to the use of the method(s) of purchase set forth below and to the following limitations and requirements:

a. You may purchase only those "fringe" items as defined in AR 320–5 and referred to in AR 711–16, and supplies and nonpersonal services required for emergency repairs or for repair of deadlined equipment authorized for purchase locally by AR 715–30, provided that the items you purchase are of the category stated in paragraph 1 above. You shall refer any doubtful cases to the Contracting Officer for determination prior to your taking any purchase action. The Con-

tracting Officer shall from time to time inform you of those supplies and nonpersonal services which are mandatory to be purchased from prescribed sources.

b. You shall insure that funds are available in the estimated amount of the purchase transaction prior to your taking any purchase action.

*c. You may make purchases by use of Standard Forms 44 (Purchase Order—Invoice—Voucher) only when all of the following conditions are satisfied:

(1) The aggregate amount of any one purchase transaction is not in excess of $_____ (insert monetary limitation which may not be more than $250). You shall not split purchases to avoid this monetary limitation;

(2) The supplies or nonpersonal services are immediately available from the local trade area; and

(3) One delivery and one payment will be made.

*d. You may make purchases by use of Standard Forms 1165 (Receipt for Cash—Subvoucher) from Imprest Funds only when all of the following conditions are satisfied:

(1) The aggregate amount of the purchase transaction is not in excess of $100, or $250 under emergency conditions. You shall not split purchases to avoid this monetary limitation;

(2) The supplies or nonpersonal services are available for delivery within 30 calendar days, whether at the supplier's place of business or at destination; and

(3) The purchase does not require detailed technical specifications or technical inspection.

*e. You may make purchases by placing calls under Blanket Purchase Agreements, copies of which have been furnished you, only when all of the following conditions are satisfied:

(1) The aggregate amount of the purchase transaction is not in excess of $_____ (insert monetary limitation which may not be more than $250, except for commissary ordering officers whose monetary limitation is stated in APP 1–452.6). You shall not split purchases to avoid this monetary limitation;

(2) The supplies or nonpersonal services are available for delivery within 30 calendar days, whether at the supplier's place of business or at destination; and

(3) Purchases are equitably distributed among suppliers with whom blanket purchase agreements have been established.

f. You shall comply with the standards of conduct prescribed in AR 600–50.

g. You shall furnish so as to reach the Contracting Officer no later than the 27th day of each month information concerning individual purchase transactions which you have made during the preceding monthly period (26th through 25th), identifying the method of purchase used (SF 44, BPA, Imprest Fund) and stating the number and total dollar value of the transactions made by each method of purchase. For the month of June you shall furnish this information no later than the 3d day of July and shall include all purchase transactions made during the period 26 May through 30 June.

*h. You shall prepare and submit to the Contracting Officer a DD Form 350 (Individual Procurement Action Report) (RCS CSGLD–525(R7)), when required by ASPR Section XXI, Part 1.

(b) Letters of appointment may be serially numbered and separate letters may be issued for each method of purchase authorized, at the discretion of the appointing authority. Paragraph 2 of letters of appointment shall state clearly the method of purchase, forms, monetary limitations, and procedures which the ordering officer is authorized to use. Ordering officers shall be required to acknowledge receipt of their letters of appointment in writing.

§ 591.452–15 Termination of appointment.

(a) The appointment of an ordering officer shall remain effective until the ordering officer is reassigned or his employment is terminated, but may be revoked at any time by the appointing authority, or higher appointing authority, or any successor to either, but no revocation shall be made retroactively.

(b) Terminations of appointments of ordering officers shall be in writing and shall require acknowledgement of receipt.

6. Sections 591.453 and 591.503 are revoked; new §§ 591.601 and 591.601–3 are added; § 591.601–6 is revised; new § 591.604 is added; and § 591.604–50 is revised, as follows:

§ 591.453 Responsibility for contract administration. [Revoked]

§ 591.503 Covenant against contingent fees clause. [Revoked]

§ 591.601 Establishment and maintenance of records and lists of firms or individuals debarred, ineligible, or suspended.

§ 591.601–3 Joint Consolidated List.

(a) The Joint Consolidated List shall include the following:

(1) Persons or firms found by the Secretary of Labor to have breached or violated contractual representations and stipulations required by the Walsh-Healey Act, issued by the Comptroller General; and

(2) Persons and firms which have been held ineligible to be awarded contracts subject to the Walsh-Healey Act, published by the Department of Labor.

(b) This information is published for the use and guidance of all interested agencies of the Department of the Army. Contracting officers shall comply with the prohibitions contained in the list published by the Comptroller General relating to firms and individuals disqualified for the reason stated in paragraph (a)(1) of this section, and the restrictions contained in the Department of Labor Circular Letters relating to firms and individuals disqualified for the reason stated in paragraph (a)(2) of this section, prior to incorporation of such information in the Joint Consolidated List.

§ 591.601–6 Inquiries from debarred, ineligible, or suspended individuals and firms.

If a debarred or suspended contractor or his representative makes inquiry as to the reason or cause of any of the prohibitions indicated in § 1.605–3 of this title or for any other reason, the contractor shall be informed only that consideration is being given his contractual relationship by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General), and that all inquiries regarding such matters should be addressed in writing direct to the addressee listed in § 591.150(b)(2). All inquiries from other parties shall be forwarded to the addressee.

§ 591.604 Administrative debarment of firms or individuals (Type A).

§ 591.604–50 Restrictions during period of debarment.

(a) A bid or proposal received from a debarred firm shall be received and recorded. If such a bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it shall be rejected, and the reason therefore documented in the contract file.

(b) If the contracting officer believes that an award to a debarred firm would be in the best interest of the Government, he shall furnish complete information of the contemplated procurement, with the reasons requiring such award, to the cognizant Head of Procuring Activity who in turn shall forward the information with his recommendation to the addressee in § 591.150(b)(2) for determination.

7. New § 591.605 added; § 591.605–3 is revoked; new §§ 591.605–50 and 591.608 are added; § 591.608–8 is revoked; new §§ 591.608–50 and 591.650 are added; and § 591.652 is revoked, as follows:

§ 591.605 Suspension of firms or individuals.

§ 591.605–3 Restrictions during period of suspension. [Revoked]

§ 591.605–50 Restrictions during period of suspension.

(a) *New awards.* (1) A bid or proposal received from a suspended firm shall be received and recorded. If the bid or proposal is low (or in the case of surplus or salvage sales, the bid or proposal is high), it shall be rejected, and the reason therefore documented in the contract file.

(2) If the contracting officer believes that an award to a suspended firm would be in the best interest of the Government, he shall furnish complete information of the contemplated procurement, with the reasons requiring such award, to the cognizant Head of Procuring Activity who in turn shall forward the information with his recommendations to the addressee in § 591.150(b)(2) for determination.

(b) *Current contracts.* Administration of current contracts with suspended contractors may be continued at the discretion of the Head of Procuring Activity unless otherwise directed by the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). Suspension is a temporary measure pending possible criminal and civil prosecution. Exercise of certain contract rights may have an important effect on the outcome of such prosecution; however, certain rights or duties (e.g., recovery for latent defects, actions under warranty clauses, recovery or other disposition of Government property in the contractor's possession, rejection of nonconforming supplies) must be timely taken. In case of doubt of the advisability or propriety of any such action, the

matter shall be expeditiously referred, by the Head of Procuring Activity, with accompanying recommendations of the contracting officer and the Head of Procuring Activity to the addressee in § 591.150(b)(2).

(c) *Terminations.* Negotiation toward settlement of terminated contracts and subcontracts shall cease with the suspension of the contractor. All authorizations granted to such contractor under Part 8 of this title and Part 598 of this chapter shall be revoked immediately. If the contracting officer believes that settlement of a terminated contract or subcontract would be in the best interest of the Government, he shall recommend such action to the cognizant Head of Procuring Activity who in turn shall forward the matter with his recommendation to the addressee in § 591.150(b)(2).

(d) *Payments.* No payments of any type shall be made to any suspended contractor. Contracting officers holding or in receipt of invoices covering amounts due to the suspended firm shall prepare, process, and certify the necessary accompanying vouchers and forward them to the disbursing officer. Contracting officers shall insure that, insofar as possible, vouchers are submitted and processed in accordance with these instructions for all completed work. Disbursing officers shall promptly forward all properly certified approved vouchers in favor of suspended contractors to the Finance and Accounts Office, U.S. Army, Attention: Chief, Accounts Receivable Section, Accounting Branch, Washington, D.C., 20315. Where the contracting officer believes that a complete or partial release of withheld funds to the suspended firm is required, he shall recommend such action by a full statement of particulars through the cognizant Head of Procuring Activity to the addressee in § 591.150(b)(2).

§ 591.608 Reporting.

§ 591.608–8 General. [Revoked]

§ 591.608–50 Provisional withholding of funds.

When the report prepared pursuant to § 1.608 of this title includes a recommendation that the contractor be suspended, all funds becoming due to the contractor shall be withheld pending contrary advice by the Head of Procuring Activity or the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General). All vouchers shall be administratively processed in accordance with § 591.605–50(d).

§ 591.650 Fraud or criminal conduct.

The prompt reporting of allegations of fraud or criminal conduct in connection with procurement activities, and of all other irregularities which could lead to debarment or suspension of a contractor is of extreme importance. Notification to the Federal Bureau of Investigation pursuant to paragraph 3, AR 22–160, submission of "Blue Bell" report pursuant to AR 1–55, or submission of a litigation report pursuant to AR 27–1 does not eliminate the requirement for the reports required by § 1.608 of this title.

§ 591.652 Provisional withholding of funds. [Revoked]

8. New § 591.704 is added; § 591.704–3 is revised; § 591.704–50 is revoked; new §§ 591.750, 591.751, 591.751–1, 591.751–2, 591.751–3, 591.751–4, and 591.751–5 are added; and § 591.752 is revoked, as follows:

§ 591.704 Small business officials.

§ 591.704–3 Small business specialists.

(a) Within the Department of the Army, the Small Business Program and the Labor Surplus Area Program are administered jointly and are a concurrent responsibility of Small Business and Labor Surplus Advisors. Because of the dual responsibility for Small Business and Labor Surplus Area Programs within the Department of the Army, Small Business Specialists, shall be identified as "Small Business and Labor Surplus Advisors" and shall perform the duties and functions required of both Programs.

(b) Only those individuals possessing the necessary business acumen, knowledge of Army procurement policies and procedures, training and background to accomplish effectively the objectives of the Small Business and Labor Surplus Area Programs shall be considered for appointment.

(c) In any instance where the duty of a Small Business and Labor Surplus Advisor is on a part-time basis, the appointment shall clearly indicate that assignment of such additional duty in no way relieves the individual from full responsibility for effectively accomplishing the Department of the Army Small Business and Labor Surplus Area Program requirements.

§ 591.704–50 Army Small Business and Labor Surplus Council. [Revoked]

§ 591.750 Army Small Business and Labor Surplus Council.

(a) *Establishment.* There is established a Department of the Army Small Business and Labor Surplus Council. Chairman of the Council shall be the Department of the Army Small Business Advisor. Membership in the Council shall be composed of representatives of the U.S. Army Materiel Command, the U.S. Army Continental Army Command, and such other commands or procuring activities as may be designated by the Chairman from time to time.

(b) *Purpose and function.* (1) The purpose of the Council is to assist Army Small Business and Labor Surplus Advisors in developing uniform policies and procedures concerning small business and labor surplus area matters.

(2) The Council shall meet at the call of the Chairman to discuss special problems arising within the Department of the Army which have or may have an impact on small business or labor surplus area programs or policies.

(3) The Council shall consider submissions from field activity Small Business and Labor Surplus Advisors made through the advisors at procuring activity level for the purpose of making these programs more effective.

§ 591.751 Presolicitation data on proposed procurement actions (Reports Control Symbol SAOAS–72) (DA Form 1877).

§ 591.751–1 Purpose.

(a) DA Form 1877 is a management tool for summarizing the screening process of proposed procurements to determine (1) that consideration has been afforded labor surplus area concerns, and (2) that small business concerns receive an equitable opportunity to participate in the proposed procurement.

(b) It is not intended that the preparation of this form or its review, coordination and analysis delay the procurement process at any echelon, but rather that its screening be complete and thorough to preclude delays incident to congressional inquiry or protest after the procurement has been initiated. Requirements for preparation of this form, including justifications as indicated, shall not supersede requirements for procurement justifications and determinations and findings as may be required elsewhere in ASPR and APP.

§ 591.751–2 Preparation.

(a) Each contracting officer is responsible for preparation of DA Form 1877 and coordination of his decisions or recommendations relative to a particular procurement with the Small Business and Labor Surplus Advisor at the purchasing office.

(1) DA Form 1877 shall be prepared for each invitation for bids, requests for proposals, or request for quotations issued in the United States, its possessions or Puerto Rico which may result in an award of a contract over $10,000 except for proposed procurements indicated in subparagraph (2) of this paragraph. In addition DA Form 1877 shall be prepared when the requirements of a proposed procurement have been amended so as to increase the estimated amount over $10,000, subject to exceptions listed below.

(2) DA Form 1877 shall not be prepared when the proposed procurement—

(i) Will be solicited by procuring activities outside the United States, its possessions and Puerto Rico;

(ii) Covers personal or professional services, including architect-engineer services;

(iii) Covers electric power or energy, gas (natural or manufactured), water or other utility services;

(iv) Covers perishable subsistence or "customer demand" items for resale;

(v) Is for services from educational or nonprofit institutions;

(vi) Is a contract modification pursuant to the terms of the existing contract;

(vii) Is for supplies developed and financed by Canadian sources under the U.S./Canadian Defense Development Sharing Program (§§ 1.706–1(d) and 1.804–1(c) of this title);

(viii) Is for construction, including maintenance and repairs; or

(ix) Is to be placed as an order under an existing contract, under a mandatory Federal Supply Schedule contract, or under a contract of another Military Department or Government agency which is designated as a mandatory source of supply (e.g., Brand Name Contract, prison-made and blind-made supplies). (NOTE: A procuring activity shall prepare DA Form 1877 for proposed procurements of an estimated amount over $10,000 which will result in issuance of an indefinite delivery type contract (§ 3.409 of this title) or other types of agreements (§ 3.410 of this title) notwithstanding that future orders placed against such contracts will not require DA Form 1877 as stated in this subparagraph);

(b) When completed, DA Form 1877 shall be marked "For Official Use Only" until the date of award of contract.

§ 591.751–3 Review after preparation.

(a) Each DA Form 1877 shall be reviewed within the purchasing office at a level higher than the contracting officer to ensure full compliance with the objectives of the Department of the Army Small Business and Labor Surplus Area Programs.

(b) Where the contracting officer is also the chief of the purchasing office, or has a dual responsibility for performing the functions of a Small Business and Labor Surplus Advisor, DA Forms 1877 shall be reviewed at the Head of Procuring Activity level.

(c) Whenever the Small Business and Labor Surplus Advisor and the contracting officer are not in agreement and cannot reach an agreement, the DA Form 1877 shall be reviewed by an authority at a level higher than the contracting officer, consistent with paragraphs (a) and (b) of this section.

§ 591.751–4 Due date and distribution.

(a) DA Form 1877 shall be prepared with sufficient leadtime to permit review by the Head of Procuring Activity and the Office of the Assistant Secretary of the Army (Installations and Logistics) 10 working days prior to issuance of the IFB's, RFB's, or RFQ's when such review is required.

(b) For proposed procurements with an estimated value over $300,000, a copy of DA Form 1877 shall be provided through command channels to the following addressee:

Army Small Business Advisor,
Department of the Army,
Washington, D.C., 20310.

(c) The original DA Form 1877 shall become part of the contract file.

(d) Distribution and use of additional copies of each DA Form 1877 covering specific proposed procurements may be established by Heads of Procuring Activities.

(e) A Procurement District of the U.S. Army Materiel Command is exempt from the preparation of this form except for a specific procurement directed by a major subordinate command of the U.S. Army Materiel Command supported by a fund allocation where the procurement will be initiated and executed by the District. An operating element of the U.S. Army Materiel Command, other than a Procurement District, is not exempt under this paragraph.

§ 591.751–5 Specific instructions for preparation.

(a) Date Prepared—Self-explanatory.

(b) Identification No.—Each purchasing office shall number DA Form 1877 consecutively from the beginning of each fiscal year, starting with 1, and followed by the last two digits of the fiscal year, e.g., 1–66, 2–66. If more than one activity in a purchasing office uses the same reporting office code, the purchasing office shall assign blocks of numbers to each activity to avoid duplication of report numbers.

(c) Specific items:

(1) *Item 1.* Purchasing Office and Address—Enter sufficient information to establish the identity and mailing address of the purchasing office submitting the report.

(2) *Item 2.* Station No.—Enter the symbol and number assigned to the purchasing office by the Department of the Army.

(3) *Item 3.* Description of Commodity or Service—Check the appropriate block and enter the description of the commodity or service. Specific end use of item and model numbers should be used where possible, e.g., M–14 Rifle, Radio Set AN/FST–65. The description of services shall be in sufficient detail to permit an understanding of the scope and effort to be required.

(4) *Item 4.* Requisition/Request No.—Enter the identification number of the procurement directive.

(5) *Item 5.* Date Prepared—Enter the preparation date shown on the document identified in Item 4.

(6) *Item 6.* Date Received—Enter the actual date the procurement directive was received in the purchasing office.

(7) *Item 7.* Quantity—Enter the quantity indicated on the requesting document. If for more than one separate item, the quantity of each may be shown with description under item 3 and this block so footnoted.

(8) *Item 8.* Estimated Cost—Enter the estimated total price of the procurement. In case of a multiyear procurement, only the first year's price will be shown.

(9) *Item 9.* IFB/RFP No.—Enter the identifying number assigned to the procurement solicitation, if available when the DA Form 1877 is prepared. Delete "IFB" or "RFP" as appropriate.

(10) *Item 10.* Est. Date of Release—Enter the date that the IFB/RFP will be released by the purchasing office.

(11) *Item 11.* Est. Date of Opening—Enter the date on which bids will be opened or on which proposals are due at the purchasing office.

(12) *Item 12.* SIC Code—Enter the assigned Standard Industrial Classification Code (§ 1.701–4 of this title).

(13) *Item 13.* DD Claimant Program—Enter the appropriate DDPC number that identifies the commodity described in Item 3. Claimant Program numbers are defined in Volume I of the Department of Defense Procurement Coding Manual.

(14) *Item 14.* FSN—Enter a four-digit Federal Supply Classification number for supply items. EDTR action shall be assigned a code beginning with the letter "A."

(15) *Item 15.* Has Exact Item/Services Been Procured Previously—Indicate whether the item or service has been previously procured. The degree to which the procurement package, i.e., specifications, drawings, technical requirements, has been revised since the last procurement shall be indicated in Item 16.

(16) *Item 16.* If answer to Item 15 is "Yes" in Present Item/Services—Check the appropriate block.

(i) The proposed procurement shall be considered a rebuy (identical) if the same procurement package as previously used is again included as part of the procurement. If this is not the case, the procurement is considered a revision and should be so checked. The degree to which an item has been revised is a matter of judgment.

(ii) To be considered "Minor" the procurement package being used for the proposed procurement should generally be identical to that previously used.

(17) *Item 17.* Contract No.—Enter the contract number of the last contract which is considered representative of the proposed procurement.

(18) *Item 18.* Date of Award—Enter the date of award covering the contract listed under item 17.

(19) *Item 19.* Total Quantity—Enter the final total quantity placed under contract listed in item 17.

(20) *Item 20.* Total Price—Enter the final total price covering the contract listed in item 17.

(21) *Item 21.* No. of Bids Received—Enter the total number of bids or proposals received as a result of the solicitation.

(22) *Item 22.* No. of Bids Received from Small Business—Enter the number of small business concerns included in the total shown in item 21.

(23) *Item 23.* Previous Method of Procurement—Check the appropriate block to indicate the method of procurement under which the contract shown in item 17 was awarded.

(24) *Item 24.* Contractor and Location—Enter the name and location of the Contractor awarded the contract shown in item 17. In addition, check the appropriate block to indicate whether the contractor was large or small at the time of award and whether the place of performance was located in a labor surplus area.

(25) *Item 25.* Proposed Method of Procurement—Check the appropriate block to indicate the proposed method of procurement.

(26) *Item 26.* Small Business and/or Labor Surplus Area Will be Given Opportunity By—Check the appropriate block to indicate the method by which small business and/or labor surplus concerns will be given an apportunity to participate in the proposed procurement.

(27) *Item 27.* Proposed Bidders List—Enter the total number of concerns to be solicited for the proposed procurement and show that part of the total that are small business and/or labor surplus.

(28) *Item 28.* Small Business or Labor Surplus Concerns Will Not be Given Opportunity to Bid Because—Check the appropriate blocks to indicate why small business and labor surplus concerns were not given an opportunity to participate in the proposed procurement.

(29) *Item 29.* Will this Procurement Offer Substantial Subcontracting—Check the appropriate block to indicate whether or not, in the opinion of the contracting officer, the proposed procurement lends itself to small business and/or labor surplus subcontracting opportunities as defined in §§1.707 and 1.805 of this title.

(30) *Item 30.* Remarks—Enter any additional information and explanation which will assist the reviewing authority.

(d) Name of Contracting Officer and Name of Small Business and Labor Surplus Advisor—The contracting officer and the Small Business and Labor Surplus Advisor shall sign their names in the appropriate blocks. Completion of this form represents a certification by the foregoing persons that small business and labor surplus concerns have received maximum consideration within the scope of the mission and urgency of the procurement.

§ 591.752 Presolicitation data on proposed procurement actions (Reports Control Symbol SAOAS–72) (DA Form 1877). [Revoked]

9. Subpart H is revoked; § 591.1006–50(b)(3) is revised; new §§ 591.1202 and 591.1202–50 are added; § 591.1206 is revised; and new §§ 591.1206–2, 591.1506, and Subpart XX are added, as follows:

Subpart H—Labor Surplus Area Concerns [Revoked]

§ 591.1006–50 Congressional notification of proposed awards.

* * * * *

(b) * * *

(3) The contract is to be performed by (the contractor)/(name and address of firm if other than the listed contractor) at (location where work will be performed) which (is) (is not) in a labor surplus area.

NOTES:

(1) If the work is to be performed in more than one location—list the name and address of the other plant(s) and/or contractors together with the number of dollars or percentage of work involved at each location.

(2) If for any reason the location where work is to be performed is changed, prior to or after award but after the required initial information has been reported, the change in location or locations of work performance will be telephoned or reported by the most expeditious means available to the addressee in paragraph (b) of this section together with the reasons for the change in location or locations of work performance and the number of dollars or percentage of work involved at each location.

* * * * *

§ 591.1202 Mandatory specifications.

§ 591.1202–50 Deviations and waivers.

All deviations from and waivers of Federal and Military Specifications shall be subjected to review in accordance with instructions of the Head of Procuring Activity exercising supervision over the contracting officer. These instructions shall provide for—

(a) Adequate surveillance to minimize the use of deviations and waivers;

(b) The expeditious routing of data pertinent to waiver, amendment, or revision of the specifications to the activity responsible for requirements and standards therefor;

(c) Prompt correction or revision so that the specification accurately reflects the essential needs of the Government, if the Head of Procuring Activity exercises jurisdiction over the requirements and standards of a specification; and

(d) Frequent followup action to the responsible activity, if the Head of Procuring Activity does not exercise jurisdiction over the requirements and standards of a specification which needs revision.

§ 591.1206 Purchase descriptions.

§ 591.1206–2 Brand name or equal purchase descriptions.

(a) In a competitive procurement, before a contracting officer uses a purchase description containing an "or equal" standard, he shall either include the brand names of all products known to be "equal" or include a statement in the contract file, prior to solicitation of bids, describing efforts made to ascertain such brands and explaining his failure to name more than a single brand name in the purchase description.

(b) The cognizant Head of Procuring Activity shall ensure that each competitive procurement incorporating a "brand name or equal" standard is reviewed prior to solicitation with particular emphasis upon the following items:

(1) Eliminating the use of the "or equal" standard when it is not necessary (e.g., when the invitation for bid calls for a service which the contractor must provide in part by use of a tractor capable of performing a certain function, requiring use of a brand name tractor or equal is improper—instead, the function which the tractor must be capable of performing should be described; or when a specification is used together with a brand name reference, and the specification itself, without reference to the brand name, adequately describes the Government's needs, the brand name reference shall be omitted as being a requirement which serves no material purpose);

(2) Naming several acceptable brand name products and insuring that each is reasonably comparable with the other from the standpoint of quality and suitability for the Government's needs;

(3) Using proper clauses and procedures as provided in ASPR 1–1206;

(4) Amplifying the requirement for furnishing with the bid descriptive material needed (A) to determine equality of an offered "or equal" product, and (B) to determine exactly what the bidder proposes to furnish, to make abundantly clear the information which said material must disclose (taking into account that where a bidder has previously furnished an acceptable equal item and offers to do so again the circumstances may justify omission of detailed descriptive data) (40 Comp. Gen. 435); and

(5) Ensuring that the characteristics described in ASPR 1–1206.2(b) are stated in unambiguous terms, that they are generally descriptive of factors the Government considers essential, and that they are not so restrictive as to amount to a requirement for a single brand name product.

(c) Queries and requests to the contracting officer for clarification of brand name or equal standards from prospective bidders shall be coordinated with the appropriate technical and requirements personnel before reply. If an ambiguity exists in the solicitation, an appropriate clarifying amendment shall be issued to the invitation for bids.

§ 591.1506 Examples of option clauses.

Subpart XX—Procedures Under the Gratuities Clause

Sec.

591.5001 Purpose.
591.5002 Reporting Requirements.
591.5003 Referral for Hearing.
591.5004 Delegation of Authority and Hearing Procedures.
591.5005 Post-Hearing Actions.

AUTHORITY: The provisions of this Subpart XX issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 591.5001 Purpose.

This subpart establishes procedures under which the Department of the Army will exercise the powers conferred upon the Secretary by 10 U.S.C. 2207 and § 30.4 of this title with respect to hearing, findings, termination of contracts, and imposition of exemplary damages in instances under Government contracts where the contractor, his agent, or other representatives may have offered or given any gratuity to an officer, official, or employee of the Department of the Army to obtain a contract or favorable treatment in awarding, amending, or making of determinations concerning the performance of a contract in violation of the Gratuities clause (§ 7.104–16 of this title). See also AR 600–50 and CPR C2.)

§ 591.5002 Reporting requirements.

(a) Any information received by military or civilian personnel of the Department of the Army which indicates that action under the Gratuities clause may be appropriate shall be forwarded for evaluation and appropriate action through channels to the military commander having jurisdiction over the contract.

(b) If evaluation indicates that a hearing under the Gratuities clause may be appropriate, the military commander shall forward the facts promptly and directly to the cognizant Head of Procuring Activity. Information ini-

tially forwarded to the Head of Procuring Activity shall include:

(1) The name and address of the contractor together with full information as to form of organization, including names and addresses of principals;

(2) The complete contract data including number, date, estimated day of completion of performance, general description of supplies or services procured, amount, status of performance and of payment under the contract, urgency of requirements, and availability of the supplies or services from other sources;

(3) A summary of the facts concerning the suspected violation, including names and addresses, dates, and references to documentary evidence available; and

(4) The status of the investigation, if any, with an estimated date on which it will be submitted.

(c) A complete report of investigation, if required, shall be submitted as soon as practicable. Care shall be taken to preserve the admissibility of documentary evidence and exhibits, bearing in mind that action adverse to a contractor under the Gratuities clause is subject to review by a competent court. Copies or descriptions shall be used in the report where necessary or desirable to preserve the chain of custody.

(d) The Head of Procuring Activity shall forward such information upon its receipt, together with his recommendations, through channels to the addressee at § 591.150(b)(6). Pending final action on the matter, the Head of Procuring Activity shall also submit to the same addressee for approval any proposed termination, setoff, or withholding action. Pending this determination, and when a hearing before the Board is recommended, the contracting officer administering the contract or contracts involved shall withhold from payments otherwise due to the contractor a sum equivalent to 10 times the estimated costs of the gratuities alleged to have been provided by the contractor in violation of the Gratuities clause.

§ 591.5003 Referral for hearing.

(a) The Director of Procurement, Office of the Assistant Secretary of the Army (Installations and Logistics) shall determine whether the matter will be referred for a hearing. When it is determined that a matter will be referred for hearing, the Director of Procurement shall advise in writing the Chairman of the Armed Services Board of Contract Appeals (Board), requesting that he cause the case to be heard by a division of the Board. The request for hearing shall contain sufficient information concerning the case to permit the Board Recorder to provide due notice to the contractor.

(b) The Director of Procurement shall furnish the files in the matter to The Judge Advocate General, Attention: Chief, Contract Appeals Division, for use of Government counsel.

§ 591.5004 Delegation of authority and hearing procedures.

(a) The division of the Board designated under § 591.5003(a) is delegated the authority to take the actions set out in Rule 3, § 30.4 of this title, in accordance with the procedures contained in § 30.4.

(b) Each party may be represented in the hearing by counsel who shall be the representative of record. Counsel for the Government shall be furnished by The Judge Advocate General from officers of The Judge Advocate General's Corps assigned to the Contract Appeals Division, Office of The Judge Advocate General.

(c) The Board Recorder shall arrange for a verbatim record of the proceedings to be transcribed in the number of required copies. He shall furnish copies of transcripts to contractors concerned upon payment of reasonable costs.

§ 591.5005 Post-hearing actions.

(a) Findings and recommendations of the designated division of the Board, shall be forwarded expeditiously to the addressee at § 591.150(b)(1) for his action, as required by Rule 14, § 30.4 of this title.

(b) The Director of Procurement shall promptly furnish the contractor with a copy of the Secretarial decision. Advice concerning the Secretarial action shall be forwarded to the cognizant Head of the Procuring Activity who shall furnish notification and instructions, as required, to the contracting officer without delay.

(c) At the conclusion of the case, the Board Recorder shall forward all files in the matter to the Office of The Judge Advocate General which shall serve as the office of record for cases brought for hearing under 10 U.S.C. 2207. With the approval of the Director of Procurement, the Office of Record may make available to persons properly and directly concerned matters of official record pertaining to the case.

PART 592—PROCUREMENT BY FORMAL ADVERTISING

10. New § 592.406 is added; §§ 592.406–3 and 592.406–50(a) are revised; new § 592.407 is added; the first sentence of paragraph (c) of § 592.407–9 is revised; new § 592.450 is added; and § 592.451 is revoked, as follows:

§ 592.406 Mistakes in bids.

§ 592.406–3 Other mistakes.

(a) Authority is hereby delegated for making determinations described in § 2.406–3(a)(1) of this title to each Head of Procuring Activity, with authority to redelegate to purchasing activities having legal counsel available.

(b) Authority is hereby delegated for making determinations described in § 2.406–3(a)(2), (3), and (4) of this title to the individuals listed in § 2.406–3(b)(1).

(c) Where a mistake in bid alleged prior to award requires a determination by the Comptroller General, the matter shall be processed in accordance with § 592.450. The required file shall include, in addition to the data specified in § 2.406–3(c)(3) of this title, a statement "that an award has not been made."

§ 592.406–50 Distribution of administrative determination and Comptroller General decisions.

(a) *To Head of Procuring Activity.* Each Head of Procuring Activity shall monitor and maintain records of administrative determinations made under the delegated authority referred to in § 592.406–3(a) and § 2.406–4(c) of this title. Chiefs of purchasing offices authorized to make administrative determinations set forth in § 2.406–3(a)(1) shall forward to the Head of Procuring Activity, by the 10th day of each month, a record of each determination made during the preceding month, containing the following information:

(1) The data listed in § 2.406–3(e)(3)(i) through (v) together with a copy of the administrative determination referred to in § 2.406–3(a), where the action was taken under the authority stated in § 2.406–3(b) and § 592.406–3(a); and

(2) The data listed in § 2.406–4(d)(2) together with a copy of the administrative determination where the action was taken under the authority stated in § 2.406–4 (c) and (e).

* * * * *

§ 592.407 Awards.

§ 592.407–9 Protests against award.

* * * * *

(c) Except as provided in § 592.450(b) a protest case emanating in the U.S. Army Materiel Command, which is submitted for final resolution to a level of authority higher than the cognizant subordinate activity, shall be forwarded to the addressee in § 591.150(b)(17). * * *

§ 592.450 Request for decision by the Comptroller General.

(a) *Administrative report.* Each case submitted for a decision by the Comptroller General shall be accompanied by an administrative report signed by the contracting officer and the recommendations of each intervening level of authority through which the report is transmitted. This report shall (1) summarize the matter at issue, (2) state the findings and recommendation of the contracting officer, (3) indicate the actions taken, and (4) provide any additional information or evidence deemed necessary, including any documentation specifically requested by the Comptroller General or required by ASPR or APP. After review of the report by the cognizant Head of Procuring Activity, his deputy, or principal assistant responsible for procurement, it shall be forwarded as prescribed in paragraph (b) of this section, together with any additional appropriate information and with a statement of the position and recommendation of the reviewer.

(b) *Submission of requests.* Procurement matters shall be submitted to the Comptroller General for decision as follows:

(1) Procuring activities subordinate to Headquarters, U.S. Army Materiel Command or U.S. Continental Army Command shall forward matters to the cognizant Headquarters.

(2) Headquarters, U.S. Army Materiel Command and the Office Chief of Engineers shall forward cases other than those involving requests for remission of liquidated damages direct to the Comptroller General in accordance with special procedures which have been prescribed. Cases pertaining to remission of liquidated damages (see § 591.310) shall be forwarded to the addressee in § 591.150 (b)(1) for processing to the Comptroller General.

(3) Headquarters, U.S. Continental Army Command, and procuring activities other than those covered in subparagraph (2) of this paragraph, shall forward matters by a covering letter inclosing the administrative report to the addressee in § 591.150(b)(6).

§ 592.451 Request for decision by the Comptroller General. [Revoked]

PART 593—PROCUREMENT BY NEGOTIATION

11. Sections 593.102, 593.202–2, 593.212–2, 593.215–50, and 593.302 are revised to read as follows:

§ 593.102 General requirements for negotiation.

(a) It is normally not consistent with the nature and requirements of a contract for personal services or for certain types of professional services to secure competition. See, for example, § 591.450–4 relating to selection of architect-engineers.

(b) When Standard Form 18 (Request for Quotations) is used to solicit responses from prospective contractors, the responses thereto are not offers; they cannot be "accepted" to form a contract. Accordingly, the terms "bid," "bidder," "offer," "offeror," "proposal," and "proposer" are not appropriate to describe the relationship created by a Request for Quotations and a response thereto. DD Form 746 (Request for Proposals and Proposal), with related forms as set forth in § 16.203 of this title, is also used in negotiated procurement to solicit responses from prospective contractors. DD Form 746 seeks responses which are offers, subject to acceptance, to form the intended contract. Accordingly, a solicitation on DD Form 746 shall contain (by reference or otherwise) all of the definitive terms and conditions anticipated to be contained in the resulting contract, including all required clauses.

(c) Whether a solicitation is made on Standard Form 18 or DD Form 746, the "Instructions to and Information for Prospective Contractors" (however captioned) (1) shall be a separate portion of the solicitation package; (2) its terminology shall be consistent with the form of solicitation; (3) it shall contain nothing inconsistent with the substantive provisions of the intended contract; and accordingly (4) shall not restate in different words provisions of the intended contract which are also a part of the solicitation package; and finally, (5) it shall be logically organized with divisions and subdivisions appropriately marked with numbers or letters for identification and cross-reference purposes.

§ 593.202–2 Application.

In connection with the application of § 3.202–2(f) of this title see AR 725–50 as it relates to the Uniform Materiel Movement and Issue Priority System.

§ 593.212–2 Application.

Although §§ 7.104–12 and 16.811 of this title contain guidance applicable to a procurement subject to negotiation under this exception, consideration shall also be given to pertinent provisions of the Armed Forces Industrial Security Regulation (AR 380–130).

§ 593.215–50 Application.

Subject to the limitations prescribed in § 3.215–2 of this title, this authority may also be used for the procurement of an amount less than the entire portion of the procurement originally advertised.

§ 593.302 Determinations and findings by the Secretary of a Department.

(a) In addition to the listing set forth in § 3.302 of this title, determinations, and written findings in support thereof, may be required at Secretarial level in relation to—

(1) Section 3.404–7 of this title. This provision is concerned with use of a contract providing for retroactive price redetermination after completion. See also § 593.305(c).

(2) 10 U.S.C. 2353. This statute relates to the acquisition or construction by, or the furnishing to, a contractor of research developmental, or test facilities and equipment and specialized housing therefor under a research or development contract. See also §§ 593.305(d) and 593.306(d).

(3) 10 U.S.C. 2354. See also §§ 593.305 (e) and 593.306(e) relating to use of an indemnification clause in a research and development contract.

(4) Section 3.213 of this title. See also §§ 593.213 and 593.306(f) relating to approval of standardization.

(5) Section 3.807–3(a) of this title. This provision is concerned with a Secretarial waiver in exceptional cases of requirements for submission by contractors of cost and pricing data and certificates relating thereto.

(6) Part 17 of this title (Public Law 85–804). An action in the nature of a determination and findings required to be taken at Secretarial level is designated either as a Memorandum of Decision or a Memorandum of Approval (e.g., see §§ 17.208 and 17.303 of this title).

(7) Contracts for personal services of certain experts or consultants and for stenographic reporting services. An annual Secretarial determination covering the making of such contracts, combined with specific delegations of authority in this category, is made by the Secretary as described in Subpart YY, Part 594 of this chapter. A separate Secretarial determination and findings is required to support such a contract not covered by the annual delegation. The delegation of authority applicable to DEFSIP–B personnel is limited by 10 U.S.C. 1584 and 2356.

(8) Architect-engineer services under 10 U.S.C. 4540 and other pertinent statutes. An annual determination is made pertaining to contracts for architect-engineer services, together with specific delegations of authority as described in § 591.450–4.

(b) A Secretarial determination and findings does not authorize the negotiation of a contract which is feasible and practicable to make by formal advertising (10 U.S.C. 2304(a) and 2310(b)) nor does it authorize the making of a contract which is otherwise precluded by law or regulation. Language in a determination and findings that "property (services) may be procured by negotiation subject to the availability of funds and provided that the property (services) has otherwise been authorized for procurement" in effect limits the authority granted to the proper use of the negotiation method of making the procurement.

12. In § 593.305, paragraphs (a), (b), (e), (g), (j), and (p) (1) and (6) are revised; in § 593.306, paragraphs (g), (j), and (k) are revised; §§ 593.607 and 593.608–7 are revoked; and §§ 593.705(h)(1) and 593.850–5(c)(2) are revised, as follows:

§ 593.305 Forms of determinations and findings.

(a) *General.* A determination and findings should be succinctly stated and usually should not exceed 1½ pages in length. Descriptions and examples of individual formats for various types of determinations and findings are set forth in the following portions of this paragraph. See § 593.306 for description of supporting data which shall accompany a determination and findings submitted for Secretarial approval.

(b) *Authority to negotiate.* The written determination and findings authorizing negotiation as required under §§ 3.202, 3.207, 3.208, and 3.210 through 3.216 of this title, shall be prepared substantially in the format set forth in paragraph (p)(1) of this section. A written determination and findings to authorize negotiation is not required under §§ 3.201, 3.203, 3.204 (see, however, Subpart YY, Part 594 of this chapter), 3.205, 3.206, 3.209, or 3.217 of this title (see, however, § 593.217–50).

* * * * *

(e) *Indemnification.*—(1) *Under 10 U.S.C. 2345 and §10.701(a) of this title.* (i) A determination and findings to authorize use of an indemnification clause under 10 U.S.C. 2354 shall contain findings that—

(*a*) The contract in which the proposed clause is to be used (such contract to be adequately identified) is a Department of the Army contract for research or development, or both;

(*b*) The performance of the contract will subject the contractor (and his subcontractors, if appropriate) to unusually hazardous risk(s);

(*c*) Such unusually hazardous risk(s) is (are) defined in the proposed clause (or will be defined in the proposed con-

tract) as follows: (Set forth the definition or refer to it as an inclosure.); and

(*d*) It will be in the best interest of the United States to indemnify the contractor pursuant to the provisions of 10 U.S.C. 2345 because: (Set forth the reasons.)

(ii) The determination shall be worded substantially as follows, adapted to the situation involved:

I therefore approve the use in (the proposed contract, or contract DA----------) of a clause indemnifying the contractor against claims, losses and damages from the unusually hazardous risk as described above, provided such clause contains all of the provisions required by 10 U.S.C. 2354.

(2) *Under Public Law 85–804.* A Memorandum of Approval to authorize use of an indemnification clause under authority of Public Law 85–804 shall, as provided in § 17.303 of this title, contain the information called for in § 17.208–2(a) of this title. It shall also contain a statement that the contract which is to contain the indemnification clause shall comply with the provisions of § 17.206 of this title.

* * * * *

(g) *Waiver of requirement for submission of cost or pricing data and certification thereof.* The format set forth in paragraph (p)(4) of this section shall be used as a guide for Secretarial waiver pursuant to § 3.807–3(a) of this title.

* * * * *

(j) *Contracts for personal services of experts and consultants and for stenographic reporting services.*—(1) The document submitted for Secretarial approval to authorize a contract for the personal services of an expert or consultant shall generally conform to that set forth in paragraph (p)(6) of this section.

(2) The format in paragraph (p)(6) of this section shall be adapted for use in connection with Secretarial approval of authority to contract for stenographic reporting services. It should be noted that 5 U.S.C. 55a (see § 594.5101(a)(1)) does not authorize negotiation of a stenographic reporting services contract. Stenographic reporting services may be obtained under a Federal Supply Schedule only when authority to contract for such services has been either granted under the annual Secretarial delegation (Subpart YY, Part 594 of this chapter), or under Secretarial authority granted in a determination and findings as prescribed by this section.

(k)–(o) [Reserved]

(p) *Sample formats for determinations and findings.*—(1) *For authority to negotiate.* The following format pertains to authority to negotiate an individual contract; appropriate modification shall be made to adapt its use for authority to negotiate a class of contracts.

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

Authority To Negotiate An Individual Contract

1. I hereby find that:

a. The (name of procuring activity) proposes to procure [by negotiation (describe the scope of work or nature of property[1]].[2]

b. The estimated cost of the proposed procurement is $----------.

c. Procurement by negotiation of the above described property[1] is justified because [----------].[3]

d. Use of formal advertising for procurement of the above described property[1] is impracticable because [----------].[4]

[e. The proposed procurement will not call for quantity production within the meaning of ASPR 3–211.3.][5]

2. Upon the basis of the findings set forth above, I hereby determine that [----------].[6]

3. Subject to the availability of funds and provided that the above property[1] has otherwise been authorized for procurement,[7] it may, therefore, be procured by negotiation for a period of ---------- from the date hereof pursuant to 10 U.S.C. 2304(a) (------) and paragraph ------ of the Armed Services Procurement Regulation.

4. The above determination applies to an approved program for fiscal year ------ (and to planned programs for fiscal years ------ and ------).[8]

[(quantity to be procured and description of the equipment) after competitive negotiation with the following suppliers:

Manufacturer	*Model No.*
ABC Co----------	XM267
XYZ Co----------	B12A6]

* * * * *

(6) *For authority to procure personal services by contract.* Use the following guide in preparation of an appropriate letter.

SUBJECT: Contract for Personal Services of (name of contractor).

To: (Head of Procuring Activity).

1. To the extent that the personal services to be performed for the Army by [----------][1] as a [----------][2] during Fiscal Year ------ are of the type described in 5 U.S.C. 55a and [Section 601, Public Law 89–213],[3] I find and determine on the basis of information presented to me by the (procuring activity) that:

a. The procurement by contract of such services [is][4] advantageous to the National Defense; and

b. The existing facilities of the Department of the Army [are][4] inadequate for the performance of such services.

2. Subject to the availability of funds and provided the contract complies with the applicable provisions of ASPR and of APP Section IV, Part 51, you are authorized to approve such contract and the award thereof if the compensation payable thereunder is reasonable and does not exceed that permitted by law.

3. You are further authorized to delegate the authority above granted.

---

[1] If for "services," adapt the form appropriately, to include auxiliary verbs and other syntax.

[2] For ASPR 3–213 substitute:

[3] a. See pertinent "Application" paragraph of ASPR; e.g., for ASPR 3–213 use: [the property to be procured is equipment used for (describe what functions the equipment performs) and it is necessary to procure such equipment from selected suppliers in order to limit the variety and quantity of parts that must be carried in stock (or one of the statements in ASPR 3–213.2(b) (ii) or (iii) as appropriate). The factors set forth in ASPR 3–213.2(c) have been considered and support negotiation of the proposed procurement.]

b. For ASPR 3–215 use: [the bid prices received after formal advertising under Invitation for Bids (show identification and date) were as follows (list bidders and bid prices received). The lowest bid price received from a responsive and responsible bidder was ($ ------), this price exceeds the estimated cost by ($------) and is considered to be excessive.]

[4] State reasons; e.g., for ASPR 3–213 substitute: [such method would defeat the objectives of the approved standardization of the equipment and would not ensure procurement from the selected suppliers whose product has been approved for standardization.] For ASPR 3–215 use: [reasonable prices were not offered when formal advertising procedures were used.]

[5] Use for ASPR 3–211; otherwise omit.

[6] a. Use the determination required under the pertinent paragraph of ASPR; e.g., for ASPR 3–213 use: [(i) the equipment constitutes technical equipment; (ii) standardization of such equipment and interchangeability of its parts are necessary in the public interest; and (iii) procurement of such equipment and of its parts by negotiation is necessary to assure that standardization and interchangeability].

b. For ASPR 3–215 use: [the bid prices of the responsive bids set forth above are not reasonable and therefore may be rejected, and that the lowest bid price received from a responsible bidder was ($------).]

[7] For ASPR 3–215 substitute the following for the first clause:

[Subject to the availability of funds, provided that the above property[1] has otherwise been authorized for procurement, and provided further that (i) prior notice of intention to negotiate and a reasonable opportunity to negotiate is given to each responsible bidder listed above, (ii) the negotiated price is lower than the lowest rejected bid of any responsible bidder stated above, and (iii) the negotiated price is the lowest negotiated price offered by any responsible supplier, * * *]

[8] Parenthetical language is normally appropriate only for research and development procurement to be incrementally funded in planned future program years.

[1] Insert contractor's name and address, or other identification.

[2] Enter profession or field of expertise; e.g. [consulting geologist].

[3] A more recent reference to the corresponding recurring provision in the annual DOD Appropriation Act may be used when available.

[4] Use "will be" when paragraph 4 is appropriate.

[4. The authority granted herein is subject to the enactment of a Department of Defense Appropriation Act of Fiscal Year ____ and inclusion therein of an authorization substantially the same as that provided by Section 601 of the Department of Defense Appropriation Act, 1966 (Public Law 89-213). However, since the Department of Defense Appropriation Act, ____, has not yet been approved, any such contract shall be made subject to the limitations contained in the pertinent Joint Resolution, providing for temporary continuation of appropriations pending enactment of the Department of Defense Appropriation Act, ____, until such time as said Appropriation Act is enacted.] [5]

§ 593.306 Procedure with respect to determinations and findings.

* * * * *

(g) *Waiver of requirement for submission of cost or pricing data and certificate thereof.* Each request for Secretarial waiver shall contain an elaboration of the facts stated in the Secretarial letter (see § 593.305(p)(4)). Since the requirement for cost or pricing data and for a certificate concerning the current status thereof is imposed by statute (10 U.S.C. 2306(f)), any request to the Secretary for approval of a waiver shall include a statement that the contractor has been advised of the statutory basis for such requirement. Also, the request shall contain facts which demonstrate that the case is of such an unusual, unique, or extraordinary character that the granting of the waiver would not establish a precedent which would tend to diminish the intended broad application of the statute.

* * * * *

(j) *Contracts for personal services of experts and consultants and for stenographic reporting services.* Requests for Secretarial approval of a determination and findings related to personal services of experts and consultants shall comply with the provisions of § 594.5103-3(a); for stenographic reporting services, with § 594.5106.

(k) *Architect-engineer services.* Normally architect-engineer services shall be procured only by those procuring activities to which such authority is annually delegated as described in § 591.450-4. If a procuring activity to which architect-engineer annual authority has not been delegated is required to obtain such services, arrangements for effecting the procurement shall be made with the appropriate Corps of Engineers District.

* * * * *

§ 593.607 Imprest fund method. [Revoked]

§ 593.608-7 Use of DD Form 1155 as a public voucher. [Revoked]

§ 593.705 Procedure.

* * * * *

(h) The negotiation report shall be signed by the designated principal representative and approved by an official responsible for procurement in the office which conducted the negotiations. Copies of negotiation reports shall be distributed as set forth below, except that distribution will not be made to the Air Force or the Navy when the contractor has no contracts with those Departments:

(1)—

Hq. U.S. Army Materiel Command* Attention: AMCPP-SC	3
Each subordinate command, installation, and activity having contractual interest	3
Each other Department of the Army procuring activity having contractual interest	3
Office of Naval Materiel, Department of the Navy (M-37) Washington, D.C., 20360	90
Hq, Air Force Systems Command (SCKPF) Andrews Air Force Base, Washington, D.C., 20331	60
Hq, cognizant audit office	3
Hq, Defense Supply Agency (DSAH-FCA) Cameron Station, Alexandria, Va., 22314	25

*With one copy of distribution list of report.

* * * * *

§ 593.850-5 Conduct of negotiations.

* * * * *

(c) * * *

(2) The negotiation summary shall be signed and approved by the officials designated in § 593.705(h), and will be distributed as indicated in § 593.705(h)(1), subject to the following variations:

Office of Naval Material, Department of the Navy (M-37) Washington, D.C., 20360	115
Hq, Air Force Systems Command (SCKPF) Andrews Air Force Base, Washington, D.C., 20331	177
Armed Services Research Specialists Committee c/o Addressee at APP 1-150(b)(17)	5
Hq, Defense Supply Agency (DSAH-FCA) Cameron Station, Alexandria, Va., 22314	25

PART 594—SPECIAL TYPES AND METHODS OF PROCUREMENT

13. New Subparts XX and YY are added, as follows:

Subpart XX—Procurement of Reserve Officers' Training Corps (ROTC) Flight Instruction

Sec.

AUTHORITY: The provisions of this subpart XX issued under secs. 2301-2314, 3012, 70A Stat. 127-133, 157; 10 U.S.C. 2301-2314, 3012.

§ 594.5000 Scope of subpart.

This subpart sets forth procedures for procuring for the Reserve Officers' Training Corps (ROTC) Flight Instruction Program (FIP), described by section 2110(b), Public Law 647, 88th Congress.

§ 594.5001 Definitions.

§ 594.5001-1 The Reserve Officers' Training Corps (ROTC) Flight Instruction Program (FIP).

The Reserve Officers' Training Corps (ROTC) Flight Instruction Program (FIP) is a program of flight instruction and orientation to identify applicants who can complete military flight training and to motivate qualified cadets to seek careers as military pilots.

§ 594.5001-2 Host institution.

A host institution is a university, college, or other educational institution which operates a Senior ROTC unit.

§ 594.5002 Contracts.

(a) Contracts may be established with host institutions, civilian flying, or aviation schools, or other organizations capable of providing services for the ROTC FIP.

(b) Procurement of services for the ROTC FIP shall be by means of an indefinite delivery requirements type contract. (§ 3.409-2 of this title.)

§ 594.5003 Additional terms and conditions, ROTC FIP.

In addition to the terms and conditions printed on contract forms prescribed in Part 16 of this title, the terms and conditions set forth in §§ 594.5003-1

[5] This paragraph 4 should be used only in cases where Secretarial approval is sought prior to enactment of the DOD Appropriation Act for the fiscal year in which the services will be rendered.

through 594.5003–8 shall be made a part of all solicitations for the ROTC FIP, except that those not applicable to the services to be procured may be omitted.

§ 594.5003–1 Type of contract.

Insert the following:

Type of contract. An indefinite delivery requirements type contract with firm fixed unit prices is contemplated as a result of this solicitation. See clauses in the General Provisions (ROTC Flight Instruction Program) hereof.

§ 594.5003–2 Inquiries.

Insert the following:

Inquiries. Inquiries concerning this procurement should be directed to: (insert name, address, zip code, telephone number, and area code of issuing office and name of person to be contacted).

§ 594.5003–3 Bidder's (offeror's) representations.

Insert the following:

BIDDER'S (OFFEROR'S) REPRESENTATIONS

(a) The location of the airport where flight instruction shall be given is_____

(b) The location where ground instruction shall be given is_____.

(c) The following aircraft shall be used to provide flight instruction under this contract: Horsepower_____, Make_____, Model_____.

(d) The following services shall be provided by subcontract:

_____

_____

(e) The name and address of the proposed subcontractor is:

_____

_____

(f) Contractor-furnished transportation, if required, shall be provided by (explain method): _____

(g) Round trip mileage between the Army ROTC Administration Building at (insert name of host institution) and place of performance is _____ miles for flight instruction and _____ miles for ground instruction.

§ 594.5003–4 Certificate of independent price determination.

Insert the certificate in § 1.115(a) of this title, if it is not printed in the terms and conditions of the solicitation form.

§ 594.5003–5 Contractor's statement of contingent or other fees.

Insert the statement in § 1.507–2 of this title, prefaced by a remark that the statement shall not apply if the total amount of the contract does not exceed ($5,000 if negotiated) ($25,000 if advertised).

§ 594.5003–6 Equal opportunity representation.

Insert the statement in § 12.806–4(c) of this title, if it is not printed in the terms and conditions of the solicitation form, and prefaced by a remark that the statement shall not apply if the total amount of the contract does not exceed $10,000.

§ 594.5003–7 Financial and technical ability.

Insert the following:

FINANCIAL AND TECHNICAL ABILITY

(a) If a (bid) (proposal) submitted in response to this solicitation is favorably considered, a Government survey team may contact the (bidder's) (offeror's) facility to determine his ability to perform. Current financial statements and other pertinent data shall be made available for examination. The survey team may also evaluate the (bidder's) (offeror's) system for determining the financial and technical ability of his proposed subcontractor(s), if any.

(b) A (bidder) (offeror) or subcontractor for contractor-furnished transportation shall possess or provide automotive vehicle insurance which shall protect students against death or bodily injury; the insurance shall be in limits of not less than $100,000 with respect to any one person injured or killed, and subject to that limit per person, an aggregate limit of $500,000 with respect to any number of persons injured or killed as a result of any one automotive accident.

§ 594.5003–8 Liability protection exclusion.

Insert the following:

Liability protection exclusion. If this solicitation results in a contract with any entity other than a host institution, the clause in the General Provisions entitled "Flight Insurance" does not require liability protection for the host institution in which the ROTC students are enrolled.

§ 594.5004 Required clauses for ROTC Flight Instruction Program Contracts.

§ 594.5004–1 Definitions.

Insert the clause in § 7.103–1 of this title and add the following subparagraphs:

(d) The term "PMS" means the Professor of Military Science at the ROTC unit named in the Schedule of the contract, or his designee.

(e) The term "flight instruction" means instruction in the operation of an airborne aircraft meeting the requirements of this contract.

(f) The term "solo instruction" applies to flight instruction and means operation of an aircraft by a student enrolled in the ROTC Flight Instruction Program without the presence of any other persons in the aircraft.

(g) The term "dual instruction" applies to flight instruction and means operation of an aircraft when both a student enrolled in the ROTC Flight Instruction Program and a certified Contractor-furnished instructor occupy the aircraft.

(h) The term "ground instruction" includes instruction in subjects related to operation of an aircraft but which does not involve operation of an airborne aircraft. It may include, but is not limited to, instruction in theory of flight, weather, and navigation.

(i) When referring to flight instruction, the term "hour" means sixty (60) minutes of aircraft operation, computed from the time the aircraft becomes airborne until the time of engine cut-off. When referring to ground instruction, the term "hour" means a period of instruction of not less than fifty (50) minutes.

(j) The term "student" means a person enrolled in the host institution specified in the Schedule of the contract and who is enrolled in the Army ROTC Flight Instruction Program.

(k) The term "host institution" means a university, college, or other educational institution named in the Schedule of the contract.

§ 594.5004–2 Changes.

Insert the clause in § 7.103–2 of this title.

§ 594.5004–3 Assignment of claims.

Insert the clause in § 7.103–8 of this title.

§ 594.5004–4 Federal, State, and local taxes.

Insert the clause in § 11.401–1 or § 11.401–2 of this title, as the case may be.

§ 594.5004–5 Disputes.

Insert the clause in § 7.103–12(a) of this title.

§ 594.5004–6 Renegotiation.

Insert the clause in § 7.103–13(a) of this title.

§ 594.5004–7 Officials not to benefit.

Insert the clause in § 7.103–19 of this title.

§ 594.5004–8 Covenant against contingent fees.

Insert the clause in § 7.103–20 of this title.

§ 594.5004–9 Gratuities.

Insert the clause in § 7.104–16 of this title.

§ 594.5004–10 Utilization of small business concerns.

Insert the clause in § 1.707–3(a) of this title if the contract amount will exceed $5,000.

§ 594.5004–11 Utilization of concerns in labor surplus areas.

Insert the clause in § 1.805–3(a) of this title if the contract amount will exceed $5,000.

§ 594.5004–12 Examination of records.

Insert the clause in § 7.104–15 of this title if the contract amount will exceed $2,500.

§ 594.5004–13 Termination for convenience of the Government.

Insert the clause in § 8.705–1 of this title.

§ 594.5004–14 Royalty information.

Insert the clause in § 9.110(a) of this title if the contract is negotiated and the contract amount will exceed $10,000.

§ 594.5004–15 Convict labor.

Insert the clause in § 12.203 of this title.

§ 594.5004–16 Equal opportunity.

Insert the clause in § 12.802 of this title if the contract amount will exceed $10,000.

§ 594.5004–17 Flight insurance.

Insert the following clause:

FLIGHT INSURANCE (MAR. 1966)

(a) In connection with the operation of aircraft in performance of this contract, or the flight checking of students hereunder by employees of the Contractor or any subcontractor or by representatives of the Government, the Contractor or any subcontractor engaged to provide the flight training shall procure and maintain at all times during the performance of services under this contract Aircraft Public Liability Insurance, including coverage of liability to passengers, against death, bodily injury, and property damage.

This insurance shall be procured and maintained in limits of not less than $100,000 with respect to any one person injured or killed and, subject to that limit per person, an aggregate limit of $500,000 with respect to any number of persons injured or killed as the result of any one accident, and $100,000 per accident with respect to property damage. The liability limit with respect to passenger liability shall be not less than $100,000 per aircraft seat. This required insurance coverage shall be carried under terms and conditions which will protect the Contractor, the subcontractor, if any, and the student.

(b) Each insurance policy evidencing this required insurance shall bear appropriate endorsements whereby the insurance carrier waives any right of subrogation acquired against the United States of America by reason of any payment under the policy, and the policy shall further provide that the Contracting Officer shall receive thirty (30) calendar days prior written notice before cancellation or reduction of the coverage thereunder can become effective.

(c) Prior to start of flight instruction under this contract, the Contractor shall furnish the Contracting Officer either with a certified copy of the insurance policy actually procured and maintained, or with an insurance certificate issued by the insurance carrier evidencing the existence of the required insurance coverage in conformity with this clause.

§ 594.5004–18 Subcontracting for services.

Insert the following clause:

SUBCONTRACTING FOR SERVICES MARCH 1966

The Contractor shall not contract with any other party for furnishing any of the services herein contracted for without the prior written approval of the proposed contract by the Contracting Officer. This clause shall not apply to contracts between the Contractor and personnel assigned for services hereunder.

§ 594.5004–19 Services to be performed.

Insert the following clause:

SERVICES TO BE PERFORMED MARCH 1966

(a) The Contractor shall provide a Flight Instruction Program to students designated by the PMS of the Army ROTC unit at (insert name and address of the host institution). This instruction program shall include all items for which an estimated quantity is shown in the Schedule of the contract and shall be in accordance with the Specifications attached hereto and made a part hereof.

(b) The Contractor shall maintain technical, operational, and administrative records as the Contracting Officer or the PMS may require, including but not limited to a current record of all:

(i) Flying time as it accrues for each student, certified to at the time by both the instructor and the student, and itemized to show the number of hours and nature of instruction (solo, dual, or authorized flight check);

(ii) Contractor-furnished transportation, to show date provided and name of each student transported; and

(iii) Student-furnished transportation, to include name of each student, date of each student-furnished transportation, date and amount of payment to each student, and a signed receipt for each payment.

(c) The Contractor shall not receive payment for any flight instruction in excess of the total hours per student prescribed by the Specifications unless the Contracting Officer specifically orders the additional instruction in writing.

(d) The Army shall provide ground instruction separate from the flight instruction portion of the Flight Instruction Program. The Contractor shall not be responsible for any required ground instruction and shall receive no payment for any services related to ground instruction.

NOTE: Use this subparagraph (d) when the Army elects to conduct ground instruction in lieu of contracting therefor.

(d) The Contractor shall furnish a course of ground instruction, as prescribed by the Specifications, at (insert location of ground instruction). The Contractor shall furnish this course for any number of students up to a maximum of _____ for the unit price set forth in the Schedule of the contract.

NOTE: Use this subparagraph (d) when the Army elects to contract for ground instruction in addition to the other elements of the FIP.

(e) In consideration of the requirements for the Contractor to comply with various contract requirements herein by subcontracting for all or part of the Flight Instruction Program, the Government shall pay the Contractor the lump sum administration charge set forth in the Schedule of the contract.

NOTE: If the contract is with a host institution which plans to subcontract for all or part of the FIP and the institution imposes an administration charge, insert this subparagraph (e); otherwise omit it.

§ 594.5004–20 Contractor's qualifications, equipment, and personnel.

Insert the following clause:

CONTRACTOR'S QUALIFICATIONS, EQUIPMENT, AND PERSONNEL (MARCH 1966)

(a) The Contractor shall provide and maintain at all times during the period of this contract at least one aircraft for each fifteen (15) students, or fraction thereof, receiving instruction under this contract. Each aircraft shall meet the requirements of the Specifications hereto, shall have a separate and independent three-control system (rudder, elevator, and aileron controls), and shall be subject to approval by the Federal Aviation Agency and the Contracting Officer. These aircraft need not be used exclusively for services under this contract.

(b) The Contractor shall provide at least one flight instructor for each fifteen (15) students, or fraction thereof, receiving instructions under this contract. Each instructor shall hold a currently valid Commercial Pilot Certificate and appropriate instructor's rating issued by the Federal Aviation Agency and shall meet all other applicable Federal Aviation Agency requirements. Instructors need not be used exclusively for services under this contract. The Contractor shall not be required to furnish the estimated hours of flight instruction for more than _____ students.

(c) The Contractor or subcontractor shall keep currently in effect at all times during the performance of this contract a flying school certificate with an appropriate flying school rating issued under the provisions of Part 141 of the Federal Aviation Regulations.

(d) All operations under this contract shall be in accordance with all applicable provisions of the Federal Aviation Regulations, unless otherwise provided by the Specifications, the Federal Aviation Agency, and the Contracting Officer under the terms of this contract.

(e) The Contractor shall furnish all equipment necessary to perform this contract except computers, plotters, and flying clothing. The Contractor shall pay each student's fee for the required Restricted Radio Telephone Operator's permit. The Government shall reimburse the amount of the fees to the Contractor after payment of the fees have actually been made.

§ 594.5004–21 Period of contract.

Insert the following clause:

PERIOD OF CONTRACT (MARCH 1966)

The period for issuing delivery orders for Flight Instruction Program services shall be from _____, or from the date of this contract, whichever is later, through_____

§ 594.5004–22 Ordering.

Insert the clause in § 7.1101 of this title.

§ 594.5004–23 Requirements.

Insert the clause in § 7.1102–2(b) of this title in accordance with instructions therein.

§ 594.5004–24 Scheduling instruction.

Insert the following clause:

SCHEDULING INSTRUCTION (MARCH 1966)

The PMS shall schedule training instruction based upon the students' available time, considering such elements as the student's academic schedule and workload, climate, and distance to the place(s) of instruction. The Contractor shall provide instruction services in accordance with the established training instruction schedule. Any disagreement over the training instruction schedule shall be considered a dispute within the meaning of the clause entitled "Disputes."

§ 594.5004–25 Elimination procedures.

Insert the following clause:

ELIMINATION PROCEDURES (MARCH, 1966)

(a) If at any time the Contractor decides that any student should be eliminated from further instruction pursuant to this contract, he shall promptly notify the PMS in writing, giving the reasons therefor. Thereafter, the Contractor shall not furnish further services to that student, except as provided in (b) below, until after receipt of instructions from the PMS to resume the services.

(b) Upon receipt of notification provided for in (a) above, the PMS shall conduct evaluation proceedings, which may include a special evaluation flight check not otherwise provided for in the Specifications. All special evaluation flight checks shall be performed by a Federal Aviation Agency employee, if available, or by a Contractor-provided FAA-rated flight instructor other than the student's regular flight instructor(s). Special evaluation flight checks shall not extend the total hours of instruction in excess of the total stated in the Specifications.

(c) The PMS shall notify the Contractor of the results of his evaluation. The PMS may direct the Contractor to resume instructing that student. In that event the Contractor shall resume all services: *provided, however,* That this shall be done only with the Contractor's concurrence or without his concurrence if the person conducting the special evaluation flight check so recommends.

(d) If the PMS directs elimination of any student from the Flight Instruction Program for any reason, the Contractor shall eliminate him immediately from further instructions. The PMS shall promptly confirm in writing to the Contractor any oral notice of elimination.

§ 594.5004–26 Payment.

Insert the following clause:

PAYMENT (MARCH 1966)

(a) The Contractor may request payment for services rendered under this contract as

of the end of any calendar month or for any other period which the Contracting Officer may approve.

(b) The Contractor shall submit invoices for payment in accordance with instructions from the PMS. Each invoice shall show the contract and delivery order number, the quantities, unit prices, and total amounts for all items of services provided during the period covered by the invoice for which the Contractor claims payment.

(c) If a student is eliminated for any reason prior to completing the Flight Instruction Program, the Government shall pay only for services which the Contractor furnished to that student prior to elimination: *provided, however,* That elimination of individual students shall not be considered a termination within the meaning of the clause entitled "Termination for Convenience of the Government."

(d) The Government shall pay the Contractor for each full hour of solo or dual instruction provided at the unit prices set forth in the Schedule of the contract.

(i) Instruction for fractions of an hour shall be paid for on a pro-rata basis; *Provided, however,* That the Contractor shall bill in units of either tenths or twelfths of an hour. The Contractor shall use the same method to bill for fractions of an hour on all invoices.

(ii) Payment for flight checks performed by Federal Aviation Agency employees shall be at the unit price set forth in the Schedule of the contract for solo instruction.

(e) If the PMS requires a special evaluation flight check in accordance with subparagraph (b) of the clause entitled "Elimination Procedures", payment shall be in accordance with (d) above. If no Federal Aviation Agency employee is available to conduct a special evaluation flight check, payment shall be at the unit price set forth in the Schedule of the contract for dual instruction.

(f) The Government shall pay the Contractor for all other services at the unit prices set forth in the Schedule of the contract.

(g) The Government shall pay the Contractor the amount specified in the Schedule of the contract for conducting a ground instruction course in accordance with the Specifications for a maximum of _____ students. The sum shall be paid in the following manner:

NOTE: A payment plan may be based upon a percentage of completion. If the Contracting Officer elects to make no payment until completion of the course, he shall delete the words "in the following manner" and substitute therefor the words "in a lump sum on the final invoice under this contract or upon completion of all ground instruction, whichever occurs first." This subparagraph (g) shall be included in the Payment clause only when the contract includes ground instruction to be provided by the Contractor.

§ 594.5005 Contract schedule.

The Schedule of the contract shall be worded substantially as follows:

Services for which an estimated quantity is shown below to provide a Flight Instruction Program to Army ROTC students enrolled at (insert name and address of host institution) in accordance with the attached Specifications (cite Specifications).

Description	Estimated quantity	Unit	Unit price	Estimated amount
Dual instruction		Hour		
Solo instruction		Hour		
Ground instruction		Course		
Contractor-furnished transportation for ground instruction.		Round Trip per Class		
Contractor-furnished transportation for flight instruction.		Round Trip per Student.		
Student-furnished transportation for flight instruction with reimbursement to student by contractor at 6 cents per mile.		Round Trip per Student.		

(NOTE: Other services, if any, may be listed as required.)

Subpart YY—Procurement of Expert, Consultant, and Stenographic Reporting Services

Sec.

AUTHORITY: The provisions of this subpart YY issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 594.5101 Experts, consultants, and stenographic reporters.

(a) Generally, the temporary or intermittent employment by contract (as distinguished from appointment) of experts, consultants or stenographic reporters is authorized by statutory authority contained in two enactments.

(1) One such authority is permanent legislation. Section 15 of the Act of August 2, 1946 (PL 600, 79th Cong; 60 Stat 810; 5 U.S.C. 55a) provides:

The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of 1 year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act [see 5 U.S.C. 661–663, 664–669, 670–672, 673, and 674] at rates not in excess of the per diem equivalent of the highest rate payable under said sections, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this Act [see 41 U.S.C. 5].

(2) The other authority is annual legislation found as a recurring provision in the Department of Defense Appropriation Act. Supplementary authority may also be found in other appropriation acts, such as that for the Civil Functions of the Department of the Army. The annual Department of Defense Appropriation Act language is essentially the same as section 501 of PL 88–446 (78 Stat 465, 474), which provides:

During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided,* That such contracts may be renewed annually.

(b) As used in this subpart, a contract for personal services is one under which the relationship of employer-employee is created between the parties. Ordinarily this relationship exists when the Government has the right, whether or not such right is exercised, to control and direct the individual, not only as to the results to be accomplished by the work, but also as to the details and means by which the results are to be accomplished. If the contractor is subject to the control or direction of the Government only as to the result to be accomplished but not as to the means and methods for accomplishing such result, he is normally an independent contractor and not an employee. When the contract calls for the delivery by the contractor of an end product or end result which is described in the contract in reasonably specific terms, without providing for Government supervision of the methods or means by which such end product is to be produced or end result is to be achieved, the relationship of employer-employee is normally not created by the contract. Notwithstanding the foregoing general criteria, the Comptroller General has held in effect that when the services to be performed, by their nature, represent the discharge of a Governmental function (e.g., performance of services which are regularly performed by Government employees, such as inspection services and functions which call for exercise of personal judgment and discretion on behalf of the Government) such services are personal in character. For procurement purposes, the significance of a thorough understanding of the criteria which distinguish personal services from nonpersonal services lies in the fact that the Comptroller General has held in numerous instances that, as a general rule, purely personal services to be rendered to the Government may not be obtained on a contractual basis, but are required to be performed by regular employees. Exceptions to this general rule are found in a few statutes, such as those cited in paragraph (a) of this section; the Comptroller General has also recognized certain unusual circumstances (see § 594.5105) as justifying an exception.

It is not always easy to determine whether a contract is one for personal services, but when the Government is to furnish all of the necessary equipment, supplies, and working space and the services are of a continuing rather than temporary nature, to be paid for on the basis It is not always easy to determine contract would, in the absence of unusual circumstances, be considered as one for personal services.

§ 594.5102 Employment by appointment.

The authorities set forth in § 594.5101 (a) permit the temporary or intermittent employment by appointment of individuals as experts and consultants. Such appointments are processed by the civilian personnel office in accordance with the instructions set forth in Civilian Personnel Regulations (CPR) A–9. The temporary or intermittent personal services of an expert or consultant shall be obtained by the appointment method, rather than by contract, except as follows:

(a) Where the services are included in the categories set forth in § 591.450–2 (b) (1), (2), (4) and (5);

(b) Where the services will be performed outside the United States in fields other than those covered by § 591.450–2(b) (2) and (5);

(c) Where architect-engineer services of a personal services nature will be performed (§ 591.450–4) or;

(d) Where special circumstances preclude use of the appointment method, as where services of a particular expert or consultant are necessary and the individual is willing to serve only under a contract.

§ 594.5103 Employment by contract.

§ 594.5103–1 General.

(a) If the funds for a contract of the type described in 5 U.S.C. 55a are not contained in the annual DOD Appropriation Act, a submission for Secretarial action shall identify the appropriation act involved; shall to the extent practicable follows the procedures set forth in this subpart and shall contain information necessary to demonstrate compliance with the particular appropriation act provision relied upon as being complementary to 5 U.S.C. 55a.

(b) Before a contract to which the statutory provision contained in the annual DOD Appropriation Act (see § 594.5101(a)(2)) is applicable may be entered into, the Assistant Secretary of the Army (Installations and Logistics) or the Assistant Secretary of the Army (Research and Development), as the case may be, is required personally to determine (1) that to do so is advantageous to the national defense and (2) that the existing facilities of the Department of the Army are inadequate. Except as provided in § 591.450–2(b) such determinations are made on a case-by-case basis, after submission of the information called for in § 594.5103–3 to the appropriate Assistant Secretary.

§ 594.5103–2 Applicability.

The procedures set forth in § 594.5103 apply to any contract for temporary or intermittent personal services if the contract is for (a) stenographic reporting services or (b) services of an expert or consultant. (See § 594.450–4 concerning architect-engineer contracts for personal services.) The procedures set forth in §§ 594.5103–594.5103–5 do not apply to contracts for the services of teachers in schools for military dependents (see AR 350–295), the services of contract surgeons (see AR 40–1), the services of technical representatives or for management engineering services where there is no direct Government supervision or control over contractor personnel and such services are obtained on an end product basis (see AR 750–22 and AR 1–110 respectively), or the employment of counsel for Army personnel tried before a foreign tribunal (see AR 633–55).

§ 594.5103–3 Award approval requirements.

(a) Any proposed award as to which the cognizant Head of Procuring Activity has not been delegated award approval authority (§ 591.450–2(b)) shall be submitted to the Assistant Secretary of the Army (Installations and Logistics) or (Research and Development) as appropriate. The file submitted shall include the following:

(1) A narrative request that the Assistant Secretary make the required determinations and approve the proposed award, explaining in separate paragraphs:

(i) Why the services are needed and for what period,

(ii) The reasons the proposed contract would be advantageous to the national defense,

(iii) An analysis of the proposed compensation in relation to the work to be performed and the Classification Act rate of pay for a regular employee performing similar or comparable services, and

(iv) The basis for certifying that the existing facilities of the Department of the Army are inadequate, to include an explanation of why such services cannot be performed by regular Department of the Army personnel;

(2) Applicable information called for by this subchapter to the extent not duplicated by the information called for under subparagraph (1) of this paragraph; and

(3) A certificate, signed by the cognizant Head of Procuring Activity as follows:

> The employment of _____ will not be in excess of the civilian personnel authorization established by the Department of the Army for the (Army agency in which the individual is to work); the proposed contract is advantageous to and necessary for the national defense; existing facilities of the Department of the Army are inadequate; and the proposed compensation is considered reasonable.

(b) If a proposed contract is in one of the categories described in § 591.450–2(b) and the cognizant Head of Procuring Activity has been delegated award approval authority, it shall be submitted to the Head of Procuring Activity for such award approval. Accompanying the request for award approval, and notwithstanding the annual Secretarial determinations described in § 591.450–2(b) the request for award approval shall be accompanied by (1) an explanation of why the services are needed and for what period, (2) a statement of the reasons the proposed contract would be advantageous to the national defense, (3) a justification of the proposed compensation, and (4) except for "DEFSIP–B" personnel, a statement of the basis for certifying that the facilities of the Department of the Army are inadequate. Additionally, except for contracts covering DEFSIP–B personnel, the certificate set forth in paragraph (a)(3) of this section shall accompany the file and be executed by the head of the requesting procurement office.

(c) Unless the criteria in § 594.5105 apply, Secretarial determinations as required by the statutes described in § 594.5101(a) are not required for nonpersonal service contracts with an individual, except such a contract for stenographic reporting services.

§ 594.5103–4 Incidents of temporary or intermittent employment by contract.

(a) *Federal Social Security taxes.* Individuals (other than aliens performing services outside the United States, the Virgin Islands, and Puerto Rico, and alien specialists retained to meet the requirements of "DEFSIP–B") who perform personal services on a temporary or intermittent basis under contracts are generally eligible for old age and survivors insurance coverage under Social Security statutes. A contracting officer administering a personal services contract under which the individual is eligible for such coverage shall, before performance begins under such contract, take steps necessary to cause the appropriate finance and accounting office to make deductions as required (see AR 37–105).

(b) *Income tax withholding.* Individuals employed under personal services contracts are generally subject to withholding of Federal income tax. It may also be necessary to report or withhold the contractor's income for State income tax purposes (see 5 U.S.C. 84b). Accordingly, the contracting officer administering a contract under which payments to the contractor are subject to income tax withholding shall, before performance begins under such contract, take steps necessary to cause the appropriate finance and accounting office to make the necessary deductions and reports (see AR 37–105).

(c) *Annual and sick leave*—(1) An individual employed on a part time basis under a personal services contract, for whom there is not established in the contract a regular tour of duty during each administrative workweek, is not entitled to annual or sick leave.

(2) A personal services contract employing an alien outside the United States will provide for leave in accordance with CPR L1 (see 1–6) as implemented by the appropriate unified or other command (see § 1.108(a)(5) of this title).

(3) Except as provided in subparagraphs (1) and (2) of this paragraph, an individual employed under a personal services contract (including any extension thereof) in which there has been established in the contract a regular tour of duty during each administrative workweek is entitled to accrue and use sick leave, and, where the contract (including any extension thereof) also provides for a continuous performance period in excess of 90 calendar days, is also entitled to accrue and use annual leave. Such individual, if employed on a part time basis, shall be entitled to accrue and use sick and annual leave in accordance with CPR L1, implementing the Annual and Sick Leave Act of 1951 as amended.

(i) In preparing the schedule of the contract it is essential that the contracting officer, in coordination with the civilian personnel officer, determine the amount of sick and annual leave, if any, which a particular contractor may have to his credit and to specify in the contract a correct statement of the contractor's sick and annual leave entitlements. Prior Government service may affect a contractor's sick and annual leave credits as well as the rate at which he will accrue annual leave. Thus, while the contract with any individual who is entitled to accrue and use annual and sick leave will provide that leave entitlements and benefits will be administered pursuant to the pertinent provisions of CPR L1, which will be incorporated into the contract by reference it should also contain a statement concerning the contractor's leave entitlements (credits as well as rates of accrual) in sufficient detail to permit an audit of the contract by reference only to the contract terms and CPR L1, without necessity of referring to the contractor's personnel folder (see § 594.5103–4(d)).

(ii) A contractor who is entitled to leave benefits may not take leave after the end of the contract performance period. While leave credits may be carried over in certain instances as specified in CPR L1, if the contractor has not become entitled to use all or any part of his sick leave at the end of the contract period, he is not entitled to payment therefor. A contractor may be paid under the contract in a lump sum for his unused annual leave at the end of the contract period, provided he is not reemployed in an annual leave earning status within a period equal to that of his unused annual leave. If he is reemployed, after the end of the contract period, in a status under which he is entitled to accrue annual leave, his unused annual leave is carried forward to the new contract (or appointment). These illustrative situations suggest the difficulties which may be encountered in obligating funds to cover performance under a personal services contract wherein the contractor is entitled to leave, as well as possible difficulties which may be encountered whether or not the contract or employment is continued without a break in service. Since a contractor may be required to take annual leave it is Army policy to recite this fact in the contract and to so administer performance and leave benefits that, at the end of the contract period, the contractor will have used his accrued annual leave. When, for compelling reasons, it is not possible for the contractor to use his annual leave during the period of performance, and he becomes otherwise entitled to a lump sum payment for unused leave, action must be taken a sufficient period before the end of the contract period to obligate funds necessary to liquidate the lump sum annual leave payment (see AR 37–20). Also, when a lump sum annual leave payment is made, follow up action is required to insure that, if by virtue of unanticipated reemployment the contractor becomes obligated to refund the lump sum payment, prompt collection action is taken and leave credit is carried forward.

(iii) Holidays and nonwork days:

(*a*) An individual employed under a personal services contract who is not entitled to leave will not be paid for holidays on which he does not work or for other nonwork days. This policy must be reflected in the contract terms and shall be taken into account in establishing the contract price as well as the payments made thereunder.

(*b*) An individual employed under a personal services contract who is entitled to leave will be paid for holidays or nonwork days established by Federal statute or Executive or administrative orders.

(d) *Coordination with Civilian Personnel Office.* It is necessary that authorized manpower ceilings not be exceeded (except that such ceilings are not applicable to individuals obtained to meet the requirements of the DEFSIP–B program) and that the cognizant civilian personnel office establish certain records and files on individuals employed to render personal services under contracts (see CPR A9.3–5). Accordingly the contracting officer administering such contract shall effect necessary coordination with the civilian personnel office before award of the contract.

§ 594.5103–5 Limitations.

(a) The following limitations set forth in paragraphs (b) through (f) of this section are applicable to any contract within the coverage of § 594.5103–2.

(b) Prior to award of a contract for services under the DEFSIP program, appropriate security clearance shall be obtained from the Assistant Chief of Staff for Intelligence except in cases where the individual concerned is brought to the United States under waiver of documentation procedures.

(c) No contract shall provide for the performance of services beyond the close of the fiscal year during which it is executed. However, a contract may provide for renewal at the beginning of the succeeding fiscal year upon written notification to the contractor by the contracting officer. Such notification shall be given only after the required determinations (§ 594.5103–1(b)) have been made by the Secretary and funds have been made available to the contracting officer for continuation of the contract. If the funds used are NO YEAR funds and are available, the renewal may be made contingent only upon the making of the required determinations by the Secretary.

(d) Compensation of the individual shall, to the maximum extent practicable, be substantially equivalent to that for the Civil Service grade corresponding to the services to be performed by such individual; provided, however, that the contract may provide for travel expenses, including actual transportation and per diem in lieu of subsistence while the individual is traveling from his home or place of business to official station and return, as may be authorized by law (5 U.S.C. 73b–2 and CPR T3).

(e) Compensation of the individual shall not exceed the maximum rate set by the Classification Act pay schedules for grade GS–15, except that the following may be compensated at rates not in excess of the maximum rate for grade GS–18:

(1) Professional engineering positions primarily concerned with research and development; and

(2) Professional positions in the physical and natural sciences and in medicine.

(f) In procuring personal services by contract, the conflict of interest and other applicable provisions of CPR A9, "Employment of Experts and Consultants," must be observed. The pertinent provisions of CPR A9 relating to conflicts of interest shall be specifically incorporated into the contract by reference.

§ 594.5104 Contracts with organizations for expert or consultant services.

(a) *General.* A contract for personal services to be rendered to the Government should not be made with an organization; e.g., it is improper for a contract with an organization to call for the contractor to supply personnel to work alongside and under the direct supervision of regular Government employees. Moreover, even though the contract may be prepared on a nonpersonal services basis (e.g., call for an end product), if it is one which calls for the contractor or his employee to exercise for, or on behalf of, the Government that type of discretion or decision which is proper only for exercise by regular personnel of the Government, the contract should not be entered into. Subject to the foregoing, a contract may be entered into with an organization for expert or consultant services if:

(1) The obligation of the contract is that of the organization itself and not of its employee(s) who will actually perform the services and the specific object of the work is set forth clearly in the contract (a contract with a proper scope of work defining the end result, which envisages the issuance of specific task or delivery orders wherein the object of a

particular task is more definitely described is not precluded);

(2) Both the terms of the contract and the intended method under which the services will be performed are such that the services are nonpersonal in character (e.g., the relationship resulting is not that of employer-employee; see § 594.5101 (b).

(b) *Compensation.* The limitations on compensation (see § 594.5103–5(d)) do not apply to a proper nonpersonal services contract with an organization, nor are the services to be counted against civilian personnel authorizations.

(c) *Leave and taxes.* In case of a proper nonpersonal services contract for expert or consultant services with an organization, the matters of leave, Social Security taxes, and income tax withholdings applicable to the contractor's employees are the responsibility of the contractor.

(d) *Procedures.* Unless the criteria set forth in § 594.5105 apply, Secretarial determinations as required by the statutes described in § 594.5101(a) are not required for nonpersonal services contracts with an organization.

§ 594.5105 Criteria for submission for Secretarial consideration of proposed contracts for nonpersonal expert or consultant services.

(a) A proposed contract in which expert or consultant services will be furnished by either an organization or an individual shall be submitted to the addressee in § 591.150(b)(6) for any necessary approval or other action (notwithstanding that the contract describes such services as nonpersonal) if three or more of the following factors exist:

(1) The equipment and supplies necessary to perform the services are to be supplied by the Government;

(2) The office or working space is to be furnished by the Government;

(3) The services will not require the use of special knowledge or equipment possessed by the contractor;

(4) Qualified Government employees are reasonably available to perform the services or can be obtained through normal Civil Service employment procedures, considering availability by transfer, detail, temporary duty, and temporary appointment;

(5) The services are of a continuing rather than a temporary or intermittent character;

(6) The rendition of the services will not result in an end product which is adequately described in the contract;

(7) The fee or price will be based on the time actually worked rather than the results to be accomplished;

(8) The fee or price will not be based on the use of the contractor's facilities, staff or equipment.

(b) When submission to Secretarial level is required pursuant to paragraph (a) of this section, the file submitted shall contain the following:

(1) In the case of an organization, the information required by § 594.5103–3(a)(1) and (2), except that in lieu of the information under paragraph (a)(1)(iii), the file shall set forth an analysis which the procuring activity considers adequate to demonstrate that it is necessary or substantially more economical or feasible to obtain the services by contract;

(2) In the case of an individual, the information required by § 594.5103–3(a) except that in lieu of the certificate there shall be a statement that if the contract is considered to be for personal services the proposed employment of the contractor will or will not, as the case may be, exceed the civilian personnel authorization established for the Army agency in which the individual is to work. In addition, the file shall describe the unusual circumstances which the procuring activity considers to be adequate to demonstrate either the infeasibility of obtaining the services by means other than contract or the necessity of obtaining the services by contract;

(3) Where the procuring activity considers that the services are nonpersonal, a legal opinion in support thereof which takes into consideration the criteria set forth in § 594.5101(b) and pertinent decisions of the Comptroller General.

§ 594.5106 Contracts for stenographic reporting services.

Stenographic services are normally provided by regular civilian employees who are appointed under the usual Civil Service procedures. However, there are circumstances involving variable requirements, unavailability of suitably qualified personnel, or economies to the Government where a contract for stenographic reporting services with an individual or organization may be justified; e.g., for furnishing verbatim transcripts of proceedings at irregular intervals where regular employees are not available to perform the services. Such contract shall normally be written on an end product basis; payment should be predicated on the results delivered; e.g., number of copies of transcript, words per page, and the like; and the contractor should be required to furnish the necessary typewriter, paper, bindings, and other supplies. Such contract shall normally be awarded only after formal advertising. Before any such contract is entered into it is necessary that it be authorized under a Secretarial determination. If such determination has not been made the approval requirements of § 594.5103–3(a)(1) and (2) shall apply, except that in lieu of the information called for under paragraph (a)(1)(iii) an analysis shall be set forth which the procuring activity considers adequate to demonstrate that it is either necessary or substantially more economical or feasible to obtain the services by contract.

PART 595—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

14. Section 595.204 is revoked, as follows:

§ 595.204 Order for supplies. [Revoked]

PART 596—FOREIGN PURCHASES

15. New § 596.103 is added; §§ 596.103–2 and 596.501 are revised; §§ 596.501–50, 596.501–51, 596.501–52, 596.501–54, 596.501–55 and 596.503–50 are revoked; § 596.504 is revised; and new §§ 596.504–1 and 596.550 are added, as follows:

§ 596.103 Exceptions.

§ 596.103–2 Nonavailability in the United States.

(a) The authority to make additional determinations applicable to individual procurements under § 596.103–2 of this title relative to the Buy American Act is delegated to each Head of Procuring Activity with authority to redelegate to his Deputy or principal assistant responsible for procurement, and, when the aggregate amount of the purchase will not exceed $10,000, to such contracting officers under his command as he may deem appropriate.

(b) The individual making the determination shall forward it to the appropriate approving authority prescribed in § 6.103–2 of this title for approval to procure the foreign end products covered by the determination.

(c) A request to the appropriate authority for a determination of nonavailability under the Act shall contain the following information:

(1) A description of the item or items, including unit and quantity;

(2) The estimated cost, including transportation costs to destination and any applicable duty;

(3) The country of origin (see Subpart D, Part 6 of this title regarding restrictions on purchases from Soviet-controlled areas);

(4) The name and address of the proposed contractor;

(5) A brief statement of the necessity for the procurement; and

(6) A statement of facts establishing the nonavailability of items of domestic origin which are similar or which can be used as an acceptable substitute.

(d) Each determination shall be prepared substantially in the format set forth below, with a signed copy to accompany the payment voucher. Part 1 of the determination shall be signed by the preparing authority and Part 2 shall be signed by the approving authority.

DETERMINATION

Part 1

Date: _____

Pursuant to the authority contained in section 2, Title III of the Act of March 3, 1933, popularly called the Buy American Act (41 U.S. Code 10 a–d), and authority delegated to me by_____

_____

I hereby find:

a. (Description of the item or items to be procured, including unit, quantity, and estimated cost inclusive of duty and transportation costs to destination.)

b. (Brief statement of the necessity for the procurement.)

c. (Statement of facts establishing the nonavailability of a similar item or items of domestic origin.)

Based upon the above showing of fact, it is determined that the above described item(s) is (are) not mined, produced, or manufactured, or the articles, materials, or supplies from which it (they) is (are) manufactured, are not mined, produced, or manufactured, as the case may be, in the United

States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(Signature)

Part 2

The requirement of the Buy American Act that procurement be made from domestic sources and that it be of domestic origin is not applicable to the above described procurement, since said procurement is within the nonavailability exception stated in the Act. In accordance with the Balance of Payments Program, the feasibility of foregoing the requirement or providing a U.S. substitute has been considered. Authority is granted to procure the above described item(s) of foreign origin (country of origin) at an estimated total cost of $_____, including duty and transportation costs to destination.

(Signature)

§ 596.501 Mutual Canadian-American interests.

(a) *General.* In implementing the Department of Defense policy of seeking the best possible coordination of the materiel programs of Canada and the United States, the Assistant Secretary of the Army (Installations and Logistics) has made determinations concerning listed supplies and instructions with respect to bids and proposals offering Canadian end products, as set forth in Subparts A and E of this part.

(b) *Applicability.* The alleviation of the restrictions of the Buy American Act with respect to Canadian supplies as prescribed in this section applies to the evaluation of bids or proposals in solicitations involving competitive bidding on (1) supply contracts, (2) research and development contracts, and (3) contracts for services involving articles, materials and supplies. See also § 6.103–2 of this title.

(c) *Limitations.* The authority contained in this part, with respect to Canadian supplies, shall not be used in instances where a solicitation and award must be limited to, or placed with, a domestic source in accordance with one or more of the following:

(1) A requirement for U.S. Mobilization Base;

(2) The Small Business Set-Aside program;

(3) The Labor Surplus Area Set-Aside program;

(4) The Disaster Area program;

(5) A negotiated procurement in the interests of standardization (§ 3.213 of this title);

(6) Appropriation acts restrictions; or

(7) Other specific requirements in the interests of the United States in individual cases as approved by the addressee in § 591.150(b)(6).

§ 596.501–50 Solicitation of Canadian firms. [Revoked]

§ 596.501–51 Submission of bids and proposals. [Revoked]

§ 596.501–52 Preaward survey requirements of Canadian firms. [Revoked]

§ 596.501–54 Security. [Revoked]

§ 596.501–55 Accredited Canadian representatives for procurement purposes. [Revoked]

§ 596.503–50 Agreements with Canadian Army and Department of Defence Production (Canada). [Revoked]

§ 596.504 Procedures for Canadian purchases.

§ 596.504–1 Bidding procedures.

(a) *Solicitation of Canadian firms.* In the procurement of research and development, whether or not requests for proposals have been furnished to known Canadian sources, three copies of the request for proposal or notice of prenegotiation briefing shall be furnished the Ottawa office of the Canadian Commercial Corporation by cover letter which specifically refers to the inclosure and includes one of the following statements, as appropriate: (1) "Copies of the inclosure have been addressed to these Canadian sources: (Here insert list)." (2) "Copies of the inclosure have not been addressed to any Canadian source. The inclosed copies are furnished to the Canadian Commercial Corporation for distribution to such Canadian sources considered capable of and possibly interested in competing for this research and development work. Reproduction of the inclosure is authorized." Canadian sources have been authorized to communicate directly with the installation or activity initiating the procurement when unclassified questions arise regarding solicitations. Direct replies shall be made to the requesting source. Two copies of the replies shall be furnished to the Canadian Commercial Corportation. Classified replies shall be made to the Canadian source through the Canadian Commercial Corporation.

(b) *Submission of bids and proposals.* Bids of the Canadian Commercial Corporation normally shall be subject to the same consideration with respect to determining responsiveness as is applied to domestic bids.

§ 596.550 Accredited Canadian representatives for procurement purposes.

(a) Accreditation to a procuring activity of Canadian representatives may be established for performance of a procurement function for Canada after appropriate coordination among the Head of Procuring Activity, the Canadian Department of Defence Production, and the Canadian Commercial Corporation.

(b) A procuring activity is authorized to release to duly accredited representatives of the Canadian Government classified military information necessary for procurement by prime contract to Canadian contractors or by subcontract to Canadian sources from Canadian contractors, within the terms of their procurement accreditation and provided the classified information is releasable under the criteria set forth in the references contained in AR 1–25, the DOD Industrial Security Manual for Safeguarding Classified Information, and Disclosure of Classified Military Information to Foreign Governments.

(c) Classified military information which may not be released under authority of the references cited in paragraph (b) of this section may be released only upon the prior written approval of the Assistant Chief of Staff for Intelligence.

(d) All visits by Canadian nationals to Army installations or activities and to contractors' or subcontractors' plants shall be cleared on a government-to-government basis in conformance with the procedures prescribed in AR 380–25 and AR 380–130.

PART 597—CONTRACT CLAUSES

16. New § 597.103 is added; in § 597.103–12, paragraph (a) is revised, and new paragraphs (e) and (f) are added; new § 597.103–20 is added; § 597.150–2 is revised; and new § 597.150–4 is added, as follows:

§ 597.103 Required clauses.

§ 597.103–12 Disputes.

(a) Oversea area: In the case of contracts to be performed in an oversea area under the jurisdiction of the United States Army, Japan, or the United States Army, Europe, the Head of Procuring Activity in that oversea area may modify the Disputes clauses contained in ASPR as set forth in paragraph (b) of this section: *Provided, however,* That the Commander in Chief, U.S. Army, Europe, may reserve to his headquarters the legal functions relating to appeals from disputes and to litigation arising from such contracts which are effected by the procuring activity in Europe and may take the action of the Head of Procuring Activity as set forth in paragraphs (c), (d), (e), and (f) of this section.

* * * * *

(e) When contracts of a procuring activity in an oversea area provide for an intermediate appeal, the cognizant Head of Procuring Activity shall issue necessary instructions covering the processing of such appeals. An appeal to the Secretary taken from the decision of the Head of Procuring Activity shall be processed in accordance with paragraph (f) of this section.

(f) Upon receipt of a notice of appeal from the decision of an oversea Head of Procuring Activity, or advice that an appeal has been filed, the contracting officer shall immediately transmit to the Head of Procuring Activity such notice or advice. Thereupon the Head of Procuring Activity shall perform the duties of the contracting officer as set forth in Rule 4, § 30.1 of this title and in § 591.314–50(b). Signed statements or summaries of expected testimony are not required with the comprehensive report when the substance of expected testimony is set forth in the transcript of proceedings.

§ 597.103–20 Covenant against contingent fees.

Every contract for the sale or lease of Government-owned real or personal property shall contain the following modification of the clause in § 7.103–20 of this title:

CONVENANT AGAINST CONTINGENT FEES (FEBRUARY 1965)

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to require the Contractor to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 597.150–2 Rental of gas cylinders.

Every contract for the rental of gas cylinders shall contain a clause similar to one of the following:

(a) *Rental of gas cylinders (individual basis) (March 1966).* Cylinders shall remain the property of the Contractor and shall be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there shall be charged and the Government shall pay the Contractor a rental at the rate of $_____ per cylinder per day for the use of cylinders not returned to the Contractor.

(b) *Rental of gas cylinders (quantity basis) (March 1966).* Cylinders shall remain the property of the Contractor and shall be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there shall be charged and the Government shall pay the Contractor a rental at the rate of $_____ per cylinder per day, computed on a quantity basis, as indicated below, for the use of cylinders not returned to the Contractor. This rental charge shall be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days shall accrue for each cylinder shipped by the Contractor. A debit of one cylinder day shall accrue for each cylinder for each day beginning with the day after date of shipment from Contractor's plant to and including the day the cylinder is released to the transportation company for return to the Contractor. At the end of the contract period, in the event the total number of debits exceeds the total number of credits, rental shall be charged for the difference. If the total number of credits equals or exceeds the total number debits, no charge shall be made for the use of the cylinders.

All cylinders not returned to the Contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the Government shall be paid for by the Government to the Contractor at a replacement value of $_____ for each oxygen cylinder of 100 to 110 cubic feet capacity, $_____ for each oxygen cylinder of 200 to 220 cubic feet capacity, $_____ for each acetylene cylinder of 100 to 150 cubic feet capacity, and $_____ for each acetylene cylinder of 250 to 300 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the Government; but if and when located they may, at the option of the Government, be returned to the Contractor, and, in such event credit shall be allowed to the Government at the replacement value paid, less rental at the rate of $_____ per day beginning at the expiration of the 30-day period as aforesaid to the date upon which cylinders are turned over to carrier for return to Contractor's plant.

§ 597.150–4 Marine risk.

The following clause may be used in contracts for chartering vessels for coastal, harbor, inland water, or similar services.

MARINE RISK (FEBRUARY 1965)

The owner shall assume all marine risks of whatever nature or kind, including all risks or liability for breach of law or statutes or for damage caused to other vessels, persons, or property, except as otherwise provided herein. When official storm warnings have been issued or weather and water or other conditions render an operation unusually hazardous and the owner or master protests in writing to the Contracting Officer against undertaking the operation but thereafter the Contracting Officer orders him to perform the operation and he undertakes to do so and the vessel is damaged or lost as the proximate result of the unusual hazard protested against and not of the negligence of the owner, master or crew, the Government shall, at its discretion, repair the damage to the vessel or reimburse the owner for the cost of such repairs or for the loss of the vessel, to the extent not covered by insurance and within the limit of funds against which indemnification by the Government to the Contractor for such loss or damage may lawfully be charged, but in no case in excess of the value of the vessel immediately preceding the incident causing the damage or loss; and shall, for a period not to exceed _____ days (insert the number of days estimated to repair or replace the vessel), reimburse the owner, within the funds limitation as indicated above, for the actual expenses of stand-by times, as determined by the Contracting Officer. The Contractor shall file a report of such damage or loss within 3 working days after the date of the incident or the date of the vessel's return to port, whichever is the later date. Failure to file such a report within the time specified shall constitute a waiver of the right to indemnification based on liability of the Government for the damage to or loss of the vessel. Failure to agree to any findings or determinations made by the Contracting Officer hereunder shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

PART 598—TERMINATION

17. New §§ 598.209 and 598.211 are added; § 598.504–2 is revoked; new § 598.602 is added; and § 598.602–3 is revised, as follows:

§ 598.209 Settlement agreements.

§ 598.211 Review and approval of proposed settlements.

§ 598.504–2 Scrap warranty. [Revoked]

§ 598.602 Termination of fixed-price supply contracts for default.

§ 598.602–3 Procedure for default.

(a) Termination for default of contracts which involve outstanding guaranteed loans, progress payments, or advance payments shall be accomplished only after the procuring activity has coordinated with the U.S. Army Materiel Command, the U.S. Continental Army Command, or OASA (I&L), as applicable. In addition, prior to termination all such cases shall be coordinated with the Director of Contract Financing, Office of the Comptroller of the Army, who shall further coordinate, when necessary, with the contract financing offices of other Military Departments.

(b) Contracts involving a contractor to whom a certificate of competency was issued by the Small Business Administration, or to whom loans were made with that agency's participation, shall not be terminated for default without prior approval of the Head of Procuring Activity. Copies of notices of intent to terminate such a contract for default shall be sent to the nearest Regional Office of the Small Business Administration after coordination with the Small Business and Labor Surplus Advisor at the purchasing office has been accomplished.

PART 599—PATENTS, DATA, AND COPYRIGHTS

18. Sections 599.105–55(a) and 599.302 are revised, and new § 599.304 is added, as follows:

§ 599.105–55 Duties of designees.

Each designee is charged with taking appropriate action on behalf of the Department of the Army with respect to each claim pertaining to his procurement responsibility promptly after the claim is brought to his attention and as a minimum shall—

(a) Examine the claimant's title or other right to assert the claim (To prevent expenditure of time and effort in investigation of an administrative claim presented by a party not legally entitled to make such claim, the question of title to the patents involved in the claim should be examined at the outset of the investigation. Accordingly, in any claim received by a procuring activity having a patent counsel, a title search should be made before clearance is requested and a statement of the results thereof shall be included in such clearance request. In cases where the title search indicates that some question exists as to the claimant's right to assert the claim, the question may be resolved by direct correspondence with the claimant. Where claimant does not satisfactorily establish such right, the matter should be referred to the Chief, Patents Division, with recommendations for review and necessary action. The Chief, Patents Division, will conduct the necessary title search before granting clearance to procuring activities not having patent counsel, and in those cases in which the claim is initially received by the Chief, Patents Division and clearance is granted without the request of the procuring activity.);

* * * * *

§ 599.302 Foreign license and technical assistance contracts between the Government and domestic concerns.

In addition to the requirements of § 9.302(a) (1) and (2) of this title each contract shall provide that in any separate agreement between the primary source (or any of his subcontractors) and the second source (or any of his subcontractors) there shall be included a statement referring to the contract between the Government and the domestic concern.

§ 599.304 Foreign license and technical assistance agreements between domestic concerns and foreign government or concern.

PART 600—BONDS, INSURANCE, AND INDEMNIFICATION

19. Sections 600.503, 600.551, and 600.554 are revised, as follows:

§ 600.503 Government property.

The Government Property clause (§ 13.703 of this title) generally relieves the contractor for loss of or damage to Government property in his care, custody, or control and therefore there is no requirement for such coverage except in limited instances. The loss and salvage organizations referred to in the contract clause will be found listed in the local telephone directory of the larger cities. They are known as "General Adjustment Bureau, Inc.," and "Underwriters Adjusting Co."

§ 600.551 Accident and disability insurance for extra-hazardous occupations.

Insurance for risks of disability or death due to extra-hazardous occupations other than for "war hazards" in certain specified areas of contractor employees is available under Blanket Policy FD–711, Insurance Co. of North America. The rate under this blanket policy, effective October 1, 1961, is $1.50 per month per $10,000 per covered employee. Such coverage is available in units of $10,000 per person covered, to a maximum of $50,000 per person. Details of insurance coverage may be obtained from the Insurance Co. of North America, 2133 Wisconsin Avenue NW., Washington, D.C. Similar coverage may be available from other reputable carriers, but reimbursement to the contractor for the cost of such coverage shall not exceed $1.50 per month per $10,000 unit per covered employee. When the cost of the insurance is an item for reimbursement under a Department of the Army contract, the contractor may procure such insurance at the expense of the Government only with the written approval of the contracting officer.

§ 600.554 Action on termination or completion of contract.

(a) Generally, settlements of cost-reimbursement type contracts will have been completed prior to the required lapse of time for final settlement under any form of retrospective rating plan of insurance. Therefore, where a retrospective plan of insurance is involved, the contracting officer shall take action, at the time of contract settlement, to ensure that any appropriate remaining credits due the contractor in connection with the insurance will be paid to the Government and any appropriate outstanding obligations of the contractor with respect to insurance will be assumed by the Government. This action shall be accomplished through execution of one of the two types of assignment form set forth in paragraph (c) of this section, or in § 10.604 of this title, as appropriate.

(b) In the event the Government has less than a 100 percent interest in premium refunds or dividends, the assignment shall be appropriately modified to reflect the percentage of the Government's interest in premium refunds or dividends and the extent of the Government's assumption of additional premium obligation. Assignments to the Government shall be executed in sufficient copies to serve the purposes of the cognizant procuring activity. After the original and all copies have been executed by the contractor and the Government, the contracting officer shall dispatch them by registered mail, return receipt requested, to the home office of the insurance company involved for signature by an officer of the company. The letter accompanying the forms shall specify that all checks to cover return premiums and dividends are to be made payable to the Treasurer of the United States and forwarded to the contracting officer with advice as to the contract to which it applies.

(c) The format set forth below shall be used in connection with insurance policies not issued under the National Defense Projects Rating Plan or War Department Insurance Rating Plan when the Government has assumed the contractor's obligations for further premium payments under the policies.

ASSIGNMENT TO GOVERNMENT

It is agreed that the return premium and dividend due or to become due the insured under Policy No. _____ are hereby assigned to and shall be paid to the United States of America, and the Contractor directs the company to make such payments to the Treasurer of the United States acting for and on account of the United States of America.

PART 602—LABOR

20. Section 602.051 is revised; new §§ 602.101, 602.102, 602.103, and 602.105 are added; and in § 602.105–3, paragraphs (c) and (g) are revised, as follows:

§ 602.051 Implementation.

To provide maximum uniformity in application, implementation of this section shall not be issued except as provided or permitted herein. If need exists for more detailed coverage of the subject matter, appropriate recommendations may be submitted pursuant to § 591.105 (b).

§ 602.101 Labor relations.

§ 602.102 Overtime, extra-pay shifts, and multi-shift work.

§ 602.103 Federal and State labor requirements.

§ 602.105 Location allowances at unfavorable sites.

§ 602.105–3 Procedures.

* * * * *

(c) Determinations in writing that conditions at a site justify location allowances shall be made by individuals appointed and authorized to make determinations and approvals for the use of overtime premiums and shift premiums under § 602.102–4.

* * * * *

(g) When disagreements on matters involved in this section occur between two or more purchasing offices under the jurisdiction of the Commanding General, U.S. Army Materiel Command, authority to resolve the dispute is vested in the Commanding General, U.S. Army Materiel Command. If a purchasing office of the U.S. Army Materiel Command is involved in a disagreement with a purchasing office outside the jurisdiction of the Commanding General, U.S. Army Materiel Command, and a local agreement cannot be accomplished, and in cases of disagreements between two or more offices not under the jurisdiction of the U.S. Army Materiel Command, the matter shall be forwarded for resolution to the addressee in § 591.150(b)(6).

* * * * *

21. Section 602.202 is revoked; new § 602.404 is added; §§ 602.404–1 and 602.606(c)(2) are revised; and § 602.650 is revoked, as follows:

§ 602.202 Applicability. [Revoked]

§ 602.404 Administration and enforcement.

§ 602.404–1 General.

(a) All matters that will involve contact between a Head of Procuring Activity and departmental headquarters of other Government agencies as authorized by this subpart shall be coordinated with the Labor Advisor.

(b) The Comptroller General has established the principle that detection of labor law violations must be accomplished at the project level by the administering agency. It is essential that contracting officers, contractors, and their subcontractors be fully conversant with the labor standards provisions in their contracts. Where all cognizant parties are aware of their responsibilities relating to these labor standards, little difficulty should be experienced in obtaining compliance through administrative processes.

(c) The Head of Procuring Activity shall establish internal procedures in conformity with ASPR and APP, shall indoctrinate contracting officers and their representatives in these procedures, shall review and appraise the effectiveness of the procedures, and shall ensure that contracting officers require compliance with labor standards provisions of Federal Statutes applicable to and incorporated in Department of the Army contracts. Timely application of these

internal procedures after the award of a contract and in the early stages of construction will save time and money as well as tend to eliminate complaints and the need for extensive full-scale investigations.

(d) The two methods of conveying pertinent information to contractors are:

(1) *Early conference.* To insure that the contractor fully understands the labor standards provisions in his contract, the contracting officer shall arrange for a conference with the contractor and his subcontractors as soon as possible after award of the contract, to apprise them of their obligations under the contract. The following matters shall be fully discussed:

(i) Obligations of the contractor and subcontractors under the Contract Work Hours Standards Act including the difference in overtime computation under that law and the Fair Labor Standards Act;

(ii) Requirements of the Copeland ("Anti-Kickback") Act and regulations;

(iii) Responsibilities under the Davis-Bacon Act and the Department of Labor Regulations, Part 5, relating to (*a*) apprenticeship registration requirement, (*b*) limitations on use of apprentices, (*c*) historical trade practices, (*d*) area practice—special explanation should be given contractors and subcontractors that should workmen be doing work which under area practice is journeymen's work of a particular trade, the workman must be paid the journeyman's rate unless he is a regularly registered apprentice, (*e*) payrolls and statements—their requirement and the need for current addresses of all employees therein being kept up to date, (*f*) subcontractors, (*g*) additional classifications—it is important that contractors and subcontractors are made aware of the requirements that complete work records concerning workmen's activities be maintained. Contractors should be warned that failure to keep full records for workmen working in more than one classification may require the contractor to pay the rate of the highest paid classification for all work done, and (*h*) penalties and sanctions for violation of labor standards provisions.

(2) *Labor relations letter.* Where a contractor and his subcontractors have within the past 12 months engaged in work covered by the labor standards provisions and have conferred on the subject as prescribed in subparagraph (1) of this paragraph with the contracting officer, the requirement for a full discussion of labor standards matters may be waived for additional contracts during the current fiscal year and a labor relations letter reviewing the contractor's obligations may be forwarded to the contractor after award of the contract together with a request that copies of the letter be sent by him to each of his subcontractors. Also the contractor shall be reminded of the discussions in the previous conference on the subject.

§ 602.606 Procedure for obtaining exemptions with respect to stipulations required by the act.

* * * * *

(c) *Consultation with Regional Directors, Department of Labor, and forwarding of requests to Heads of Procuring Activities.*

* * * * *

(2) The procedure of consulting with such regional directors shall be complied with unless such compliance would result in undue delay. The contracting officer, in consulting with the appropriate regional director, shall furnish the Director any pertinent information in his possession which the Director may require for rendering a report in connection with the need for the exception to the Administrator of the Wage and Hour and Public Contracts Divisions.

* * * * *

§ 602.650 Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors (DA Cir 715–1). [Revoked]

PART 603—GOVERNMENT PROPERTY

22. Section 603.704 is revised to read as follows:

§ 603.704 Special tooling clause for fixed-price type contracts.

The clause in ASPR § 13.704 of this title shall be used in negotiated construction contracts in accordance with § 13.305–2(c)(3) of this title.

PART 606—PROCUREMENT FORMS

23. New § 606.101 is added; § 606.101–2 and the introductory text of § 606.550 are revised; in § 606.551, Item 2 of the letter in paragraph (b) is revised; and a new Subpart XX is added, as follows:

§ 606.101 Combination type (Standard Forms 33, 33–A, 32, 26, and 36 and DD Form 1260).

§ 606.101–2 Conditions for use.

(a) To facilitate bidding and eliminate unnecessary distribution of Standard Form 32 and appropriate additional general provisions, their incorporation by reference in a solicitation in accordance with the following procedure is authorized.

(1) Standard Form 32 and additional general provisions shall be combined in a single set of clauses, which shall be identified by title (e.g., "Standard Supply Contract Provisions") and shall show the agency responsible for issuance, its effective date, and the date of latest amendment. The provisions of Standard Form 32 incorporated in the set shall be identified as such. Superseded clauses shall be marked or stamped "Deleted" in all copies of the set and appropriate reference made to the paragraphs in the set which contain the amended clauses by use of the "Alterations in Contract" clause (§ 7.105–1 of this title). Language substantially as follows shall be set forth in the Schedule:

Standard Supply Contract Provisions (properly identified by agency title, and date), receipt of a copy of which is acknowledged by the bidder, are incorporated herein and made a part hereof with such deletions, additions, and amendments, if any, as are set forth below.

(2) Before a set of clauses may be incorporated by reference, it is essential that the purchasing activity distribute copies to each prospective bidder on the mailing list, requesting that these contract provisions be retained for future reference. Additional copies of the set shall be made available promptly to bidders and prospective bidders upon request.

(b) If incorporation of the set by reference has not been accomplished in a solicitation, then the set shall be furnished to each prospective bidder with the solicitation.

§ 606.550 Lease agreement—Government personal property.

The sample format set forth below is prescribed for any lease of Government personal property under the authority of 10 U.S.C. 2667 in cases where Subpart G, Part 7 of this title is not applicable. Variations in the terms and conditions set forth in this lease format may be approved by a Head of Procuring Activity to whom the authority to approve leases of Government personal property has been delegated, but only to the extent that the approval complies with all the limitations contained in the delegated authority. General authority is granted in effecting leases outside the United States, its possessions, and Puerto Rico to modify the format as indicated:

* * * * *

§ 606.551 Letter contract.

* * * * *

(b) *Fixed-price type.* * * *

[Letterhead]

* * * * *

2. You are directed in accordance with the clause entitled "Execution, Commencement of Work, and Priority Rating," to proceed immediately to commence performance of the work, and to pursue such work with all diligence to the end that the supplies may be delivered or services performed within the time specified in Exhibit "A," or if no time is so specified, at the earliest practicable date.

* * * * *

Subpart XX—General Policy

Sec.

AUTHORITY: The provisions of this Subpart XX issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

§ 606.5001 Deviations from approved forms.

§ 606.5001–1 General.

A change in the size of a Standard, DD, or DA Form constitutes a deviation.

§ 606.5001–2 Translations.

To facilitate procurement in foreign countries, authority is granted to reproduce a translation of any form. Either a bilingual form may be used, or the translation may be printed as a separate form. When the foreign language translation is printed as a separate form it shall be attached to its corresponding approved form. In either instance both the foreign language translation and the approved English text shall contain a statement that in the event of a disagreement in the text of the English and foreign translations, the English text shall govern.

§ 606.5002 Supply of forms.

§ 606.5002–1 Forms stocked by Adjutant General publications centers.

Unless otherwise stated, the procurement forms listed in this subchapter are procured by The Adjutant General and are stocked in Adjutant General publications centers. Requisitions for forms shall be submitted through normal publications supply channels (AR 310–1). Most procurement forms are printed either as cut sheet forms or as multiple part manifold forms. Department of the Army Pamphlet 310–2 lists by category and number all blank forms prescribed for use throughout the Department of the Army. When both cut sheets and reproducible masters are stocked, to distinguish requisitions for the master from cut sheet forms, the word "Stencil," "Hecto," or other appropriate word shall be used. For example, Standard Form 21 (Stencil).
(Stencil).

§ 606.5002–2 Forms not stocked by Adjutant General publications centers.

Certain forms of limited application are not printed or stocked by The Adjutant General and local reproduction is authorized in Department of the Army Pamphlet 310–2.

§ 606.5002–3 Reproducible masters.

(a) *General.* The Adjutant General generally does not stock reproducible masters of procurement forms. He may, however, authorize local procurement of reproducible masters where the Head of Procuring Activity has approved their use.

(b) *Excessive duplication and distribution of contractual documents prohibited.* The number of copies of contractual documents for any particular procurement shall be kept to a minimum. Copies shall be limited to those required for essential administration and transmission of contractual information. Excessive duplication and distribution is prohibited. It is the responsibility of all echelons of command to insure that this policy is enforced.

(c) *When required.* Some installations may be unable to use multiple part forms or may require more than 10 copies, including the original, of cut sheet forms. When authorized as prescribed in this section reproducible masters (hectograph, stencil, offset) may be used to produce multiple copies.

(d) *Requests and justification.* Requests for the use and local procurement of reproducible masters shall be submitted by letter to the cognizant Head of Procuring Activity. Requests shall include the proposed distribution list of the form together with the number of copies required for each addressee. The requesting installation must justify the requirement for each copy. The requesting installation shall state also the number of procurements for which the form is used in a particular period.

(e) *Approval of requests.* Blanket approval for the use of reproducible masters shall not be given. Requests shall be approved on an installation basis. When the cognizant Head of Procuring Activity is satisfied that the requirements of this section have been met, he may approve the use of reproducible masters. Approvals shall be forwarded to The Adjutant General, Attention: Chief, Army Publications Division, Department of the Army, Washington, D.C., 20315 for authority to procure reproducible masters locally in compliance with AR 310–1. Except where the reverse of a form (such as DD Form 746r and DD Form 1155r) is available from Adjutant General publications centers, approval for local procurement of reproducible masters of a form also includes approval of authority to procure reproducible masters of the reverse of the form. Where General Provisions or other information is preprinted on the back of a form and the back of the form is not stocked by Adjutant General publications centers, reproducible masters of the back of the form shall be procured and used as runoff paper for reproducing multiple copies of the face of the form from reproducible masters.

(f) *Use.* The contracting officer at installations authorized to procure and use reproducible masters shall insure that such masters do not deviate from the approved format.

(g) *Quantities procured.* Factors to be considered by contracting officers in determining quantities of reproducible masters to be procured shall include current operational needs and economical procurement. As a guide, installation stocks normally should not exceed a 6-month supply level.

PART 610—SUPPLEMENTAL PROVISIONS

24. Part 610 is hereby revoked.

[Change 2, APP, Mar. 25, 1966] (Secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66–7967; Filed, July 21, 1966; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Exceptions

1. Effective July 11, 1966, § 218.2 is amended to read as set forth below. The footnotes to § 218.2 are unchanged.

§ 218.2 Exceptions.

Pursuant to the authority vested in it by section 32, the Board of Governors of the Federal Reserve System hereby grants permission [2] for any officer, director, or employee of any member bank of the Federal Reserve System, unless otherwise prohibited,[2a] to be at the same time an officer, director, or employee of any corporation or unincorporated association, a partner or employee of any partnership, or an individual, engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of any stocks, bonds, or other similar securities, if so engaged only as to the following securities: bonds, notes, certificates of indebtedness, and Treasury bills of the United States; obligations fully guaranteed both as to principal and interest by the United States; general obligations of Territories, dependencies, and insular possessions of the United States; obligations of Federal Intermediate Credit banks, Federal Land banks, Central Bank for Cooperatives, Federal Home Loan banks, the Federal National Mortgage Association, and the Tennessee Valley Authority; certificates of interest of the Commodity Credit Corporation; and, subject to specifications contained in paragraph Seventh of section 5136, Revised Statutes (12 U.S.C. 24), obligations of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, local public agencies, public housing agencies, and obligations insured by the Federal Housing Administrator.

2 a. This section exempts relationships between member banks and firms dealing only in certain types of obligations. The purpose of this amendment is to add to such types of obligations those issued by the Asian Development Bank.

b. The requirements of section 4 of the Administrative Procedure Act with respect to notice, public participation, and deferred effective date were not followed in connection with this relaxing amendment because, in the circumstances, such procedures would serve no useful purpose.

(12 U.S.C. 78)

Dated at Washington, D.C., this 11th day of July 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-7972; Filed, July 21, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Rejection of Description "Golden" for Nongold Thimble

§ 15.73 Rejection of description "golden" for nongold thimble.

(a) The Federal Trade Commission has rendered an advisory opinion objecting to both the description "golden" for a nongold thimble, and the accompany explanatory phrase "electroplated with real gold".

(b) "Since the thimble in question is not composed throughout of 24 karat gold, unqualified use of the word 'golden' would be improper," the FTC's advisory opinion stated.

(c) Further advising that "the phrase, 'electroplated with real gold', would constitute neither adequate qualification of the word 'golden', nor a proper representation standing alone", the Commission pointed out that the gold flashing on the thimbles is between three and seven millionths of an inch thick and that "a coating of gold of less than 7/1,000,000 of an inch in thickness is too thin and insubstantial to warrant the description 'gold electroplate'."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 21, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-7993; Filed, July 21, 1966; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Conditional Approval Given 3-Party Promotional Plan

§ 15.74 Conditional approval given 3-party promotional plan.

(a) The Federal Trade Commission has given conditional approval to a promotional concern's plan to provide a music service to supermarkets which would include "spot" advertisements paid for by their suppliers.

(b) The requesting party would set up a background music network specializing in supermarkets. It would own the equipment and install same without charge to the store operator. About every 2½ minutes a "spot" advertisement paid for by advertiser-suppliers to the store would be made over the network, for each of which, each participating store outlet would receive a small commission.

(c) In addition, the requesting party will offer an in-store promotion service to advertiser-suppliers so that they may provide proportionally equal treatment for nonparticipating stores, who will receive either in-store advertising materials or cash payments based on a designated formula.

(d) Most of the advertisements would feature products sold in the stores. In some stores, announcements regarding house brands could be made by means of separate circuits. Advertisers would pay for the service on a per spot-per store basis. The contracts between the parties are to contain a clause to the effect that suppliers agree not to discriminate between participating and nonparticipating customers.

(e) In the advisory opinion the Commission said that "implementation of the plan probably would not result in violation of Commission administered statutes. This approval is being given conditionally and is contingent on the plan when in operation actually providing on a realistic basis for promotional assistance to all competitors entitled to it under sections 2 (d) and (e) of the Robinson-Patman Amendment to the Clayton Act."

(38 Stat. 717, as amended; 15 U.S.C. 41–58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: July 21, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-7994; Filed, July 21, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 6797; Amdt. 37-7]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Aircraft Audio and Interphone Amplifiers—TSO–C50b

The purpose of this amendment is to revise the Technical Standard Order (TSO) for aircraft audio and interphone amplifiers contained in § 37.149 of the Federal Aviation Regulations. This action was published as a notice of proposed rule making (30 F.R. 9319, July 27, 1965) and circulated as Notice No. 65–16 dated July 20, 1965. The notice was amended to extend the comment period in 30 F.R. 13786, October 29, 1965.

Notice 65–16 proposed to amend the performance standards of TSO–C50a by incorporating new environmental test procedures and by revising the requirement concerning the emission of spurious radio frequency energy. The notice also proposed an interphone amplifier bypass switch and added new categories for the various environmental parameters.

The parenthetical reference "for air carrier aircraft" and the phrase "to be used on U.S. civil aircraft engaged in air carrier operations" have been deleted from the title and applicability statement, respectively, of the final regulation. Such statements have created some confusion and they serve no useful purpose insofar as the TSO is concerned. As the preamble to Notice 65–16 clearly indicated, the TSO contains those standards that a manufacturer must meet in order to identify his equipment with the applicable TSO marking. A manufacturer desiring to use the applicable TSO marking must meet the prescribed standard regardless of the type of operation or the type of aircraft in which the equipment might be used. Moreover, from an operational standpoint, the Technical Standard Order system merely provides one means by which equipment is approved. Unless the operating rules require equipment to be TSO-approved, an operator may use any approved equipment. Therefore, reference to the type of operations in which aircraft audio and interphone amplifiers might be used has not been incorporated into the revised TSO.

The notice of proposed rule making on this matter incorporated by reference the requirements of the Federal Aviation Agency document entitled "Environmental Test Procedures for Airborne Electronic Equipment" dated August 31, 1962. Subsequent to Notice 65–16, the environmental test procedure document was set forth in TSO–C87, effective February 1, 1966 (30 F.R. 15553, Dec. 17, 1965), and it is this latter reference that now forms a part of TSO–C50b. Appropriate sections of the TSO have been amended to give the correct citation.

Several commentators recommended deletion or amendment of section 1.4 of the proposed standard that would have required inclusion of a normal emergency switch. It was their position that the switch is unnecessary because operators have available several alternate methods of preventing loss of signals, each more suitable than the switch, and the adequacy of any such method would normally be evaluated in the course of installation approval. For this reason, and because of the reliability and versatility of the newer audio and interphone systems employing solid state electronics, the Agency agrees that a normal emergency switch is unnecessary. Section 1.4 of the proposed standard, requiring a normal emergency switch, has, therefore, been deleted.

Section 1.4 of the notice, referencing a bypass function, prompted two commentators to suggest clarification as to which specific amplifiers the TSO is applicable. While the comments become moot by deleting section 1.4 of the proposed standard from the final rule, it is to be pointed out that the TSO standards are broad enough to cover any type of audio or interphone amplifier, including those providing switching or isolation functions, that an applicant may desire to qualify for a TSO authorization.

One manufacturer recommended that the audio frequency response, section 2.1 of the standard, be changed to allow only

a 3 db variation in place of the 6 db proposed in the notice. However, even though an improved (flatter) response may be achieved from a design standpoint, service experience has shown that the present requirement provides the necessary minimum performance standard.

One comment recommended that the term "rated power output" as used in the sections relating to "distortion" and "audio noise level-without signal" and the various sections relating to standards under environmental test conditions, be changed to "rated distortion-free power output." While the new term appears to have some merit, the term "rated power output" has been current in the aviation industry for many years. From the Agency's point of view, the use of the recommended term would result in a substantive change in the proposal, the full effects of which are not known at this time. Therefore, the Agency considers that this recommendation warrants further study prior to its incorporation into the standard.

Pointing out that the best audio amplifier performance results from constant voltage where output power varies with output impedance, another commentator recommended that section 2.5 of the standard on output regulation be clarified. Since the intent of section 2.5 of the standard is that output voltage remain reasonably constant with variation in output impedance, the Agency agrees with the commentator and the section is changed to make clear that it is the voltage level that is to be kept within the stated limits.

The attenuator adjustment limitation of 10 db in section 2.6 of the proposed standard and Appendix A was originally imposed to insure crew ability to decode aurally the A–N signals associated with the four course ranges. Inasmuch as all such range facilities within the contiguous 48 States will be decommissioned in the near future, the Agency agrees with several commenators that the 10 db limitation is no longer a valid requirement. Sections 2.6; entitled Attenuator as proposed in the standard and in Appendix A have been deleted.

Apparently reading the sections on emission of spurious radiofrequency energy as requiring environmental tests even where a design does not generate RF energy, one commentator recommended in such cases that manufacturers be allowed to submit other proof of compliance with section 2.7 of the standard. Since it was not the intent that manufacturers be required to conduct tests that would serve no purpose, the commentator's point is well taken. Appendix A is amended to make it clear that testing for spurious radiofrequency energy in accordance with FAA Environmental Test Procedures is required only for designs that generate and emit such energy.

Speaking to the audiofrequency response measurement procedure, section 2.1b of Appendix A, one manufacturer recommended that the input signal used for checking the performance of the amplifier be applied through a 6 db pad rather than directly to the input of the amplifier as stated in the notice. While the test procedures set forth in sections 2.1 through 2.7 of Appendix A provide acceptable means for determining the performance of audio and interphone amplifiers, section 2.0 also permits the use of test procedures that provide equivalent information. Therefore, the proposed regulation permits the manufacturer to use his method for checking the performance of the amplifier if it provides equivalent information to that provided by section 2.1b of Appendix A.

Another comment relating to section 2.1b, Appendix A, suggested that setting the level control, where provided, to produce maximum output as required by the notice, would discourage a manufacturer from providing spare gain to compensate for aging transistors or other circuit components. The Agency believes that this is a valid point and concurs in the desirability of providing spare gain. The measurement procedures for all the Appendix A test procedures have therefore been amended to allow the level control to be set to produce rated amplifier output instead of maximum amplifier output.

Other minor changes of an editorial or clarifying nature have been made. They are not substantive and do not impose any additional burden on regulated persons.

Interested persons have been afforded the opportunity to participate in the making of this amendment. All relevant material submitted has been fully considered.

(Secs. 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421))

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 37.149 of Part 37 of the Federal Aviation Regulations is amended as hereinafter set forth below effective August 18, 1966.

Issued in Washington, D.C., on July 13, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

§ 37.149 Aircraft audio and interphone amplifiers—TSO–C50b.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that aircraft audio and interphone amplifiers must meet in order to be identified with the applicable TSO marking. New models of the equipment that are to be so identified, and that are manufactured on or after the effective date of this section, must meet the requirements of the "Federal Aviation Agency Standard, Aircraft Audio and Interphone Amplifiers" set forth at the end of this section and the "Federal Aviation Agency Document for Environmental Test Procedures for Airborne Electronic Equipment" set forth in TSO–C87, effective February 1, 1966 (30 F.R. 15553, Dec. 17, 1965).

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental procedures outlined in the FAA Document for Environmental Test Procedures for Airborne Electronic Equipment that have categories established. These must be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." followed by six letters that identify the categories designated. Reading from left to right, the category designations must appear on the nameplate in the following order so that they may be readily identified—

(i) Temperature-altitude category;

(ii) Vibration category;

(iii) Audio-frequency magnetic field susceptibility category;

(iv) Radio - frequency susceptibility category;

(v) Emission of spurious radiofrequency energy category; and

(vi) Explosion category.

(2) A typical nameplate identification is: Env. Cat. DBAAAX.

(3) If a manufacturer desires to substantiate his equipment under two categories, he must mark the nameplate with both categories in the space designated for that category by placing one letter above the other in the following manner:

Env. Cat. ABAAAX
D

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Manufacturer's operating instruction and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) Manufacturer's test report.

(d) *Previously approved equipment.* Aircraft audio and interphone amplifier models approved prior to August 18, 1966, may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION AGENCY STANDARD AIRCRAFT AUDIO AND INTERPHONE AMPLIFIERS

1.0 GENERAL STANDARDS

1.1 *Rating of Components.* The equipment must incorporate in its design components of such rating that, when the equipment is operated throughout the range of the specified environmental tests, the ratings established by the manufacturers of the components are not exceeded. For electron tubes, the continuous commercial service rating of the tube manufacturer is applicable except for the heaters and filaments. The voltage applied to the heaters and filaments of electron tubes must be within 5 percent of the manufacturer's rating when the equipment is operated under standard test conditions.

1.2 *Operation of Controls.* The design of the equipment must be such that the controls intended for use during flight cannot be operated in any possible position combination or sequence that would result in a condition whose presence or continuation would be detrimental to the continued performance of the equipment.

1.3 *Effect of Tests.* Unless otherwise stated, the design of the equipment must be such that the application of the specified tests produces no discernible condition that would be detrimental to the reliability of equipment manufactured in accordance with such design.

2.0 MINIMUM PERFORMANCE STANDARDS UNDER STANDARD TEST CONDITIONS

The electrical test procedures applicable to a determination of the performance of the equipment under standard test conditions are set forth in Appendix A of this standard.

2.1 *Audiofrequency Response.* The audio output must not vary more than 6 db when the level of an audio input signal is held constant and the frequency varied over the frequency range of 350–3,000 c.p.s.

NOTE: The response of the audio amplifier may be changed to effect an overall aircraft receiving system response including the receiver, headphones, etc., such that the audio output does not vary more than 6 db when the level and the percentage modulation is held constant and the audiofrequency varied over the range of 350 to 2,500 c.p.s.

2.2 *Distortion.* The combined noise and distortion in the output of the amplifier must not exceed (a) 20 percent at rated power output, (b) 6 percent at 0.01 of rated power output. This standard must be met over the frequency range of 350–3,000 c.p.s.

2.3 *Coupling Between Audio Circuits.* The coupling between the audio input circuits of the amplifier must be down at least 40 db at all position combinations of the audio selector switches.

2.4 *Audio Noise Level—Without Signal.* The level of the noise output of the amplifier, in the absence of an audio input signal, must be at least 40 db below the rated output of the amplifier. Equipment designed for an a.c. power source must meet this requirement at all power frequencies within the range for which the equipment is designed.

2.5 *Output Regulation.* The change in the voltage level of the output signal must not exceed 3 db and the distortion in the output signal must not exceed 25 percent, when the output load impedance is changed from that for which the amplifier is designed to 50 percent and to 200 percent of that for which the amplifier is designed.

2.6 *Emission of Spurious Radiofrequency Energy.* The levels of conducted and radiated spurious radiofrequency energy emitted by the equipment must not exceed those levels specified in Appendix A to Federal Aviation Agency Document for Environmental Test Procedures for Airborne Electronic Equipment set forth in TSO–C87 (30 F.R. 15553, December 17, 1965), hereafter referred to as FAA Environmental Test Procedures.

3.0 MINIMUM PERFORMANCE STANDARDS UNDER ENVIRONMENTAL TEST CONDITIONS

Unless otherwise specified, the test procedures, applicable to a determination of the performance of this equipment under environmental test conditions are set forth in the FAA Environmental Test Procedures. The applicable electrical test procedures are set forth in Appendix A of this standard.

3.1 *Temperature—Altitude Test.* a. Low Temperature Test—When subjected to this test, the manufacturer's rated power output must be obtained and the requirements of paragraphs 2.2 and 2.4 must be met.

b. High Temperature Test—

(1) When the equipment is operated at the high shorttime operating temperature:

(a) The power output must not be more than 6.0 db below the manufacturer's rated output.

(b) All mechanical devices must operate satisfactorily.

(c) There must be no evidence of materials, such as grease or potting and sealing compounds, exuding or dripping from the equipment components.

(2) When the equipment is operated at the high operating temperature, the manufacturer's rated power output must be obtained and the requirements of paragraphs 2.2 and 2.4 must be met.

c. Decompression Test (Applicable Only to Category D Equipment of Temperature-Altitude Test)—When the equipment is subjected to this test, the power output must not be more than 3.0 db below the manufacturer's rated output.

d. Altitude Test—When the equipment is subjected to this test, the manufacturer's rated power output must be obtained and the standards of paragraph 2.2 must be met.

3.2 *Humidity Test.* After subjection to this test, and:

a. Immediately following the 15-minute warmup period, the power output must not be more than 3.0 db below the manufacturer's rated output.

b. Within 4 hours from the time primary power is applied, the manufacturer's rated power output must be obtained.

3.3 *Shock Test.* a. Following the application of the operational shocks, the manufacturer's rated power output must be obtained.

b. Following the application of the crash safety shocks, the equipment must have remained in its mounting, and no part of the equipment or its mounting must have become detached and free of the table or of the equipment.

NOTE: The application of these tests may result in damage to the equipment under test. Therefore, these tests may be conducted after the other tests are completed.

3.4 *Vibration Test.* When subjected to the vibration test, the manufacturer's rated power output must be obtained and the standards of paragraph 2.4 must be met.

3.5 *Temperature Variation Test.* When the equipment is subjected to this test, the manufacturer's rated power output must be obtained.

3.6 *Power Input Test.* When subjected to this test, the manufacturer's rated power output must be obtained and the requirements of paragraphs 2.2 and 2.4 must be met.

3.7 *Low Voltage Test.* a. When the primary power voltage(s) of d.c. operated equipment is 80 percent and when that of a.c. operated equipment is 87½ percent of standard test voltage(s), the standards of paragraph 2.2 must be met.

b. Direct current operated equipment must operate satisfactorily within 2 minutes upon returning the primary voltage(s) to normal after the gradual reduction of the primary power voltage(s) from 80 percent to 50 percent of standard test voltage(s).

c. The gradual reduction of the primary power voltage(s) of d.c. operated equipment from 50 percent to 0 percent of standard test voltage(s) must produce no evidence of fire or smoke.

NOTE: The application of these tests may result in damage to the equipment under test. Therefore, these tests may be conducted after the other tests are completed.

3.8 *Conducted Voltage Transient Tests.* a. Following the intermittent transient test, the manufacturer's rated power output must be obtained.

b. During the repetitive transient test, the standards of paragraph 2.4 must be met.

3.9 *Conducted Audiofrequency Susceptibility Test.* When the equipment is subjected to this test, the standards of paragraph 2.4 must be met.

3.10 *Audiofrequency Magnetic Field Susceptibility Test.* When the equipment is subjected to this test, the standards of paragraph 2.4 must be met.

3.11 *Radiofrequency Susceptibility Test (Radiated and Conducted).* When subjected to the conducted radiofrequency susceptibility test, the standards of paragraph 2.4 must be met.

NOTE: In the case of amplifiers designed for use with power source filters external to the amplifier, filters having characteristics for which the equipment is designed may be used to meet this requirement.

3.12 *Explosion Test (When Required).* During the application of this test, the equipment must not cause detonation of the explosive mixture, within the test chambers.

APPENDIX A

1.0 TEST CONDITIONS

The following definitions of terms and conditions of test are applicable to the equipment tests specified herein:

a. *Power Input Voltage—Direct Current.* Unless otherwise specified, when the equipment is designed for operation from a direct current power source, all measurements must be conducted with the power input voltage adjusted to 13.75 V, ±2 percent for 12–14 V equipment, or to 27.5 V, ±2 percent for 24–28 V equipment. The input voltage must be measured at the equipment power input terminals.

b. *Power Input Voltage—Alternating Current.* Unless otherwise specified, when the equipment is designed for operation from an alternating current power source, all tests must be conducted with the power input voltage adjusted to design voltage ±2 percent. In the case of equipment designed for operation from a power source of essentially constant frequency (e.g., 400 c.p.s.), the input frequency must be adjusted to design frequency ±2 percent. In the case of equipment designed for operation from a power source of variable frequency (e.g., 350 to 1,000 c.p.s.), tests must be conducted with the input frequency adjusted to within 5 percent of a selected frequency within the range for which the equipment is designed.

c. *Adjustment of Equipment.* The circuits of the equipment must be properly adjusted in accordance with the manufacturer's recommended practices prior to the application of the specified tests.

d. *Test Instrument Precautions.* Due precautions must be taken to prevent the introduction of errors resulting from the connection of headphones, voltmeters, oscilloscopes, and other test instruments across the input and output impedances of the equipment during the conduct of the tests.

e. *Ambient Conditions.* Unless otherwise specified, all tests must be conducted under conditions of ambient room temperature, pressure, and humidity. However, the room temperature must not be lower than 10° C.

f. *Warmup Period.* Unless otherwise specified, all tests must be conducted after a warmup period of not less than 15 minutes.

g. *Connected Loads.* Unless otherwise specified, all tests must be conducted with the equipment outputs connected to loads having the impedance value for which the equipment is designed.

2.0 TEST PROCEDURES

The following test procedures are satisfactory for use in determining the performance of aircraft audio and interphone amplifiers. Test procedures that provide equivalent information may be used.

2.1 *Audiofrequency Response*—a. *Equipment Required.* Audio Oscillator (Hewlett-Packard Model 205–A or equivalent) Output Power Meter (General Radio Model 583–A or equivalent).

b. *Measurement Procedure.* If the amplifier has a level control, set it to produce rated amplifier output. Apply a 1,000 c.p.s. signal to the amplifier input. Adjust the input signal level to produce 10 percent of rated output. Maintain the input signal level constant and vary the frequency of the audio signal through the range of 350 to 3,000 c.p.s. and determine the maximum and minimum amplifier output level.

2.2 *Distortion*—a. *Equipment Required.* Audio Oscillator (Hewlett-Packard Model 205–A or equivalent) Output Power Meter (General Radio Model 584–A or equivalent) Distortion and Noise Meter (RCA Model 69–B or equivalent).

b. *Measurement Procedure.* If the amplifier has a level control, set it to produce rated amplifier output, then—

(1) Apply a 1,000 c.p.s. signal to the amplifier input. Adjust the input signal level to produce rated output. Maintain the input signal level at the value producing rated output at 1,000 c.p.s. and determine the percentage distortion plus noise in the amplifier output signal at input signal frequencies of 350, 500, 1,000 and 3,000 c.p.s.; and

(2) Repeat procedure in paragraph (1) with an input signal level that produces 0.01 of rated output at 1,000 c.p.s.

2.3 *Coupling Between Audio Circuits*—a. *Equipment Required.* Audio Oscillator (Hewlett-Packard Model 205–A or equivalent) Distortion and Noise Meter (RCA Model 69–B or equivalent).

b. *Measurement Procedure.* If the amplifier has a level control, set it to produce rated amplifier output. Apply to one of the amplifier input circuits a 1,000 c.p.s. signal and adjust its level to produce rated output from the amplifier. Determine the output in db above or below the 1,000 c.p.s. input signal level, at the terminals of the other input circuits of the amplifier for all possible ON-OFF combinations of the audio selector switches and level control settings of the amplifier.

2.4 *Audio Noise Level—Without Signal*—a. *Equipment Required.* Distortion and Noise Meter (RCA Model 69–B or equivalent).

b. *Measurement Procedure.* Apply to the terminals of the amplifier input circuits, resistors having a value equal to the impedance for which the input circuits are designed. If the amplifier has a level control, set it to produce rated amplifier output. Determine the maximum amplifier output for all possible ON-OFF position combinations of the audio selector switches. When the equipment is designed for operation from an a.c. power source, determine the maximum amplifier output over the input power source frequency range for which the equipment is designed for all possible ON-OFF position combinations of the audio selector switches.

2.5 *Output Regulation*—a. *Equipment Required.* Audio Oscillator (Hewlett-Packard Model 205–A or equivalent) Output Power Meter (General Radio Model 583–A or equivalent) Distortion and Noise Meter (RCA Model 69–B or equivalent).

b. *Measurement Procedure.* If the amplifier has a level control, set it to produce rated amplifier output. Apply to the amplifier input a 1,000 c.p.s. signal and adjust its level to produce 10 percent of rated output from the amplifier. Determine the amplifier output and the distortion plus noise in the output signal with output load impedances of 50 percent, 100 percent, and 200 percent of that for which the amplifier is designed. Repeat the above procedure for audio signals of 350, 500, 1,800, and 3,000 c.p.s.

2.6 *Emission of Spurious Radiofrequency Energy.* Testing need only be done on amplifier equipment that is of such a design that it will generate and emit spurious radiofrequency energy.

a. *Equipment Required.* Comply with paragraphs 2.0 a. and b. of Appendix A of FAA Environmental Test Procedures.

b. *Measurement Procedure.* Comply with paragraph 2.0c. of Appendix A of FAA Environmental Test Procedures.

[F.R. Doc. 66–7968; Filed, July 21, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7487; Amdt. 493]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	400–1½	500–1½	500–1½
				S–dn	NA	NA	NA
				A–dn	800–2	800–2	800–2

Procedure turn E side of NE crs, 013° Outbnd, 193° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 180°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing the BI LFR, turn left, climb to 3200′ on NE crs of the BI LFR within 15 miles.
NOTE: Restricted areas R–2202A and R–2202B W of airport.
MSA's within 25 miles of the facility: NE, 5200′; SE, 9000′; SW, 8100′; NW, 4600′.

City, Fort Greely (formerly Delta Junction); State, Alaska; Airport name, Allen AAF; Elev., 1266′; Fac. Class., SBRAZ; Ident., BI; Procedure No. 1, Amdt. 8; Eff. date, 13 Aug. 66; Sup. Amdt. No. 7; Dated, 20 June 64

				T–dn	300–1	300–1	200–½
				T–dn–29	300–1	300–1	300–1
				C–dn*	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side NW crs, 291° Outbnd, 111° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 111°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing KG LFR, climb on SE crs, KG LFR to 3000′ within 15 miles, or when directed by ATC, turn right, climb to 2000′ on SW crs of KG LFR within 15 miles.
NOTE: Radio towers, 262′—½ mile and 185′—1.1 miles W of airport.
MSA within 25 miles of facility: N, 1200′; E, 3500′; S, 1200′; W, 1300′.

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57′; Fac. Class., SBRAZ; Ident., KG; Procedure No. 1, Amdt. 14; Eff. date, 13 Aug. 66; Sup. Amdt. No. 13; Dated, 22 Aug. 64

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thousand Oaks Int	Woodland Int	Direct	5000	T-dn%	300-1	300-1	300-1
Twin Lakes Int	Woodland Int	Direct	5000	C-d*	900-1½	900-1½	900-1½
LAX VOR	BUR ILS LOM	Direct	4000	C-n*	900-2	900-2	900-2
Woodland Int	BUR ILS LOM (final)	Direct	2800	S-dn-7	600-1	600-1	600-2
				A-dn	900-2	900-2	900-2

Radar available.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′ at BUR ILS LOM.
Crs and distance, facility to airport, 076°—5.6 miles, LOM to LIM; 076°—0.4 mile, LIM to airport.¢
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at BUR ILS LIM, make immediate right-climbing turn direct to LOM, climb via 256° bearing LOM to 4000′ within 10 miles of LOM, or when directed by ATC (1) turn right, climb heading, 105° to intercept and proceed via VNY, R 096° to El Monte Int at 4500′. Positive radar crs monitor required on alternate missed approach.
NOTE: ADF and VOR receivers required for execution of this approach.
AIR CARRIER NOTES: (1) Reduction in visibility by sliding scale not authorized below ¾ mile for takeoff, Runways 7, 15, 33, and for landing minimums. (2) Reduction in visibility by sliding scale not authorized for circling minimums.
¢Procedure requires use of both BUR ILS outer compass locator and inner compass locator.
#200-½ authorized for takeoff on Runway 25 only.
*Manuevering E and NE of airport not authorized due to high terrain.
%North and southbound, 270° clockwise through 240° IFR departures: Must comply with published Burbank SID's.
MSA within 25 miles of facility: 000°-090°—8500′; 090°-180°—5100′; 180°-270°—4100′; 270°-360°—6000′.

City, Burbank; State, Calif.; Airport name, Lockheed Air Terminal; Elev., 775′; Fac. Class., LOM; Ident., BU; Procedure No. 1, Amdt. 2; Eff. date, 13 Aug. 66; Sup. Amdt. No. 1; Dated, 25 June 66

Duncan Int	OLU RBn	Direct	3000	T-dn	300-1	300-1	200-½
				C-d$*	400-1	500-1	500-1½
				C-n$*	500-2	500-2	500-2
				S-dn-14$*	400-1	400-1	400-1
				A-dn$*	800-2	800-2	800-2

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 140°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing OLU RBn, make left turn climbing to 3000′ on 320° bearing from OLU RBn, turn left and return to OLU RBn.
NOTES: (1) Final approach from holding pattern at OLU RBn not authorized. Procedure turn required. (2) When 1992′ tower, 2.8 miles W of airport is not visible on takeoff, maintain runway heading, 140°-320° as appropriate until 3000′ before turning toward tower. (3) Use Lincoln, Nebr., altimeter setting when control zone not effective.
CAUTION: 1992′ tower, 2.8 miles W of airport.
*These minimums apply at all times for air carrier with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°-360°—3000′.

City, Columbus; State, Nebr.; Airport name, Columbus Municipal; Elev., 1442′; Fac. Class., HW; Ident., OLU; Procedure No. 1, Amdt. 1; Eff. date, 13 Aug. 66; Sup. Amdt. No. Orig.; Dated, 11 Sept. 65

Erie VOR	ERI RBn	Direct	2800	T-dn	300-1	300-1	200-½
Harborcreek Int	ERI RBn	Direct	2800	C-dn	500-1	500-1	500-1½
Hammett Int	ERI RBn (final)	Direct	1800	S-dn-24	500-1	500-1	500-1
Wattsburg Int	ERI RBn	Direct	3300	A-dn	800-2	800-2	800-2
Lawrence Int	ERI RBn	Direct	3400				

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 240°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing ERI RBn, climb to 3000′, proceed direct to ERI VOR. Hold SW, 1-minute right turns, 060° Inbnd, or when directed by ATC, make immediate right-climbing turn to 3000′, return to ERI RBn. Hold NE, 1-minute right turns, 240° Inbnd.
AIR CARRIER NOTE: 300-1 required for takeoff on all runways except 6-24. Sliding scale authorized Runways 6-24.
MSA within 25 miles of facility: 060°-240°—3100′; 240°-060°—2000′.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., MHW; Ident., ERI; Procedure No. 1, Amdt. 7; Eff. date, 13 Aug. 66; Sup. Amdt. No. 6; Dated, 18 Dec. 65

Erie VOR	ER LOM (final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 060°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing ER LOM, make right-climbing turn to 3000′, intercept R 064° of Erie VOR, proceed to Hammett Int. Hold NE, 1-minute right turns, 244° Inbnd, or when directed by ATC, make immediate left-climbing turn to 2300′, return to ER LOM. Hold SW, 1-minute right turns, 060° Inbnd.
AIR CARRIER NOTE: 300-1 required for takeoff on all runways except 6-24. Sliding scale authorized Runways 6-24.
MSA within 25 miles of facility: 050°-140°—3100′; 140°-230°—2900′; 230°-320°—2000′; 320°-050°—1800′.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., LOM; Ident., ER; Procedure No. 2, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 18 Dec. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HSI VOR	HSI RBn	Direct	3700	T-dn	300-1	300-1	300-1
GRI VOR	HSI RBn	Direct	3700	C-dn$*	500-1	500-1	500-1½
				S-dn-14$*	400-1	400-1	400-1
				A-dn$*	800-2	800-2	800-2

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 3500′.
Crs and distance, facility to airport, 146°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing HSI RBn, climb to 3700′ on 135° bearing from HSI RBn within 12 miles, turn right and return to HSI RBn.
NOTES: (1) Use Grand Island, Nebr., altimeter setting when control zone not effective. (2) When instrument flight planned to NW, N, or NE, maintain runway heading, 140°-320° as appropriate until 3700′ before departing on crs. (3) Lights operating on Runways 14-32 only.
CAUTION: 2707′ tower, 2.8 miles NNE of airport.
*These minimums apply at all times for those air carriers with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 315°-225°—3800′; 225°-315°—4300′.

City, Hastings; State, Nebr.; Airport name, Hastings Municipal; Elev., 1954′; Fac. Class., HW; Ident., HSI; Procedure No. 1, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 28 Aug. 65

HUT VOR	LOM	Direct	2900	T-dn*	300-1	300-1	200-½
Sterling Int	LOM	Direct	3200	C-dn	500-1	500-1	500-1½
Buhler Int	LOM	Direct	4000	S-dn-13	500-1	500-1	500-1
Burrton Int	LOM	Direct	4000	A-dn	800-2	800-2	800-2
Groveland Int	LOM	Direct	3200				

Procedure turn N side of crs, 309° Outbnd, 129° Inbnd, 2900′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 129°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing LOM, proceed to HUT VOR climbing to 3000′ via 129° bearing LOM and 053° radial of HUT VOR.
CAUTION: 3049′ TV tower located 3.5 miles E of airport.
*Aircraft taking off to N, S, NE, SE, climb to 3500′ prior to proceeding toward TV tower.
MSA within 25 miles of facility: 000°-090°—4000′; 090°-180°—4100′; 180°-360°—3100′.

City, Hutchinson; State, Kans.; Airport name, Hutchinson Municipal; Elev., 1542′; Fac. Class., LOM; Ident., HU; Procedure No. 1, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 1 Apr. 65

SD RBn	LK LOM	Direct	2400	T-dn	300-1	300-1	300-1
LOU VOR	LK LOM (final)	Direct	2200	C-dn	500-1	500-1	500-1½
Harbor Int	LK LOM	Direct	2400	S-dn-32	500-1	500-1	500-1
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 343°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LK LOM, make a climbing right turn to 2500′ on heading of 120°, intercept R 060°, LOU VOR and proceed to Shelby Int. Hold NE, 1-minute right turns, 240° Inbnd, or when directed by ATC, within 4.9 miles after passing LK LOM. turn right, climb to 2500′. intercept ABB VOR, R 175° and proceed to ABB VOR.
Hold NE, 1-minute right turns, 238° Inbnd.
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—1900′; 180°-270°—2200′; 270°-360°—3000′.

City, Louisville; State, Ky.; Airport name, Bowman Field; Elev., 549′; Fac. Class., LOM; Ident., LK; Procedure No. 1, Amdt. 5; Eff. date, 13 Aug. 66; Sup. Amdt. No. 4; Dated, 15 Jan. 66

SDF RBn	LK LOM	Direct	2200	T-dn	300-1	300-1	200-½
LOU VOR	LK LOM (final)	Direct	2200	C-dn	600-1	600-1	600-1½
Harbor Int	LK LOM	Direct	2200	S-dn-29	500-1	500-1	500-1
				A-dn	800-1	800-2	800-2

Radar available.
Procedure turn N side of crs, 110° Outbnd, 290° Inbnd, 2200′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 290°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LK LOM, climb to 2600′ on heading, 270°, intercept R 283°, LOU VOR and proceed to Corydon Int. Hold W, 1-minute right turns.
Alternate missed approach: Within 5 miles after passing LK LOM, make left-climbing turn to 2100′, proceed direct to SD LOM. Hold N, 1-minute right turns, 190° Inbnd.
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—1900′; 180°-270°—2200′; 270°-360°—3000′.

City, Louisville; State, Ky.; Airport name, Standiford Field; Elev., 497′; Fac. Class., LOM; Ident., LK; Procedure No. 2, Amdt. 4; Eff. date, 13 Aug. 66; Sup. Amdt. No. 3; Dated, 10 Apr. 65

Macon VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
Powersville Int	LOM (final)	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-5*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side SW crs, 227° Outbnd, 047° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 047°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing left turn to 2200′. Intercept 360° track of MC LOM within 15 miles, or when directed by ATC, climb to 2200′ on crs, 047° within 15 miles of LOM.
CAUTION: 1209′ tower, 5.5 miles NE of airport.
*Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—2500′; 180°-270°—1900′; 270°-360°—2100′.

City, Macon; State, Ga.; Airport Name, Macon Municipal; Elev., 354′; Fac. Class., LOM; Ident., MC; Procedure No. 1, Amdt. 12; Eff. date, 13 Aug. 66; Sup. Amdt. No. 11; Dated, 14 May 66

PROCEDURE CANCELED, EFFECTIVE 13 AUG. 1966.

City, Reno; State, Nev.; Airport Name, Reno Municipal; Elev., 4411′; Fac. Class., SBH; Ident., RNO; Procedure No. 1, Amdt. 3; Eff. date, 21 July 66; Sup. Amdt. No. 2; Dated, 5 Dec. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	NA
				C-d	900–1	900–1	NA
				C-n	900–2	900–2	NA
				A-dn	NA	NA	NA
				DME minimums; DME equipment required:*			
				C-d	700–1	700–1	NA
				C-n	700–2	700–2	NA

Procedure turn SE side of crs, 059° Outbnd, 239° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′; over 6-mile DME Fix, R 239°—2100′.
Crs and distance, facility to airport, 239°—9.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing Chardon VOR or at 9-mile DME Fix, R239°, make left-climbing turn to 3000′; return to Chardon VOR. Hold NE, 1-minute left turns, 239° Inbnd.
MSA within 25 miles of facility: 000°–180°—2300′; 180°–270°—3000′; 270°–360°—2600′.

City, Chagrin Falls; State, Ohio; Airport name, Chagrin Falls; Elev., 1239′; Fac. Class., LBVORTAC; Ident., CXR; Procedure No. 1, Amdt. Orig.; Eff. date, 13 Aug. 66

CMI VOR	DNV VOR	Direct	2300	T-dn	300–1	300–1	200–½
EPT VOR	DNV VOR	Direct	2300	C-dn	400–1	500–1	500–1¼
Tab VHF/DME Int	DNV VOR (final)	Direct	2300	S-dn-21	400–1	400–1	400–1
R 295° DNV VOR clockwise	R 014° via 8-mile Arc		2300	A-dn*	NA	NA	NA
R 095°, DNV VOR counterclockwise	R 014° via 8-mile Arc		2300				

Procedure turn W side of crs, 014° Outbnd, 194° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 194°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing DNV VOR, make left-climbing turn to 2300′ and return to DNV VOR.
CAUTION: 1090′ tower, 3 miles SSW of airport.
*800–2 authorized for air carrier with approved weather service.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2200′; 180°–270°—2200′; 270°–360°—2400′.

City, Danville; State, Ill.; Airport name, Vermilion County; Elev., 686′; Fac. Class., L–BVOR; Ident., DNV; Procedure No. 1, Amdt. 2; Eff. date, 13 Aug. 66; Sup. Amdt. No. 1; Dated, 7 Dec. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1¼
				S-dn-1	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 185° Outbnd, 005° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 005°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing DLG VOR, turn right, climb to 2000′ on R 185° within 15 miles.
NOTE: No control zone, no local communications. Airport advisory service not available. VHF communication with King Salmon FSS and Anchorage center above 1800′. Aircraft not HF communications equipped, not authorized this approach.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–180°—1300′; 180°–270°—2900′; 270°–360°—4300′.

City, Dillingham; State, Alaska; Airport name, Dillingham Municipal; Elev., 83′; Fac. Class., L–VORW; Ident., DLG; Procedure No. 1 Amdt. 1; Eff. date, 13 Aug. 66; Sup. Amdt. No. Orig.; Dated, 21 Nov. 64

R 277°, EAU VOR clockwise	R 007, EAU VOR	Via 6-miles DME Arc.	2800	T-dn*	300–1	300–1	200–½
				C-dn	500–1	600–1	600–1¼
R 087°, EAU VOR counterclockwise	R 007, EAU VOR	Via 6-miles DME Arc.	2800	A-dn	800–2	800–2	800–2
6-mile DME Fix, R 007°	EAU VORTAC (final)	Direct	2000				

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 187—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing EAU VOR, climb to 3000′ on R 254° within 10 miles.
NOTE: Final approach from holding pattern at the VOR not authorized. Procedure turn required.
*When weather is less than 1000–1, aircraft departing Runway 14, make left-climbing turn to 2000′ on R 103°, EAU VOR and aircraft departing Runway 22 make right-climbing turn to 2000′ on R 235° prior to departing southbound due to 1350′ tower 2.2 miles SE and 1847′ tower, 3.0 miles SSE of airport.
MSA within 25 miles of facility: 000–090°—2500′; 090–180°—3600′; 180–°270°—2500′; 270°–360°—2800′.

City, Eau Claire; State, Wis.; Airport name, Eau Claire Municipal; Elev., 888′; Fac. Class., L–BVORTAC; Ident., EAU; Procedure No., Amdt. 13; Eff. date, 13 Aug. 66; Sup. Amdt. No. 12; Dated, 16 July 66

R 010°, EMP VOR clockwise	R 126°, EMP VOR	Via 6-miles DME Arc.	2900	T-dn	300–1	NA	NA
				C-dn	500–1	NA	NA
R 251°, EMP VOR counterclockwise	R 126, EMP VOR	Via 6-miles DME Arc.	2900	A-dn	800–2	NA	NA
6-miles DME Fix, R 126°	EMP VOR (final)	Direct	2300				

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 306°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing EMP VOR, make right turn climbing to 2900′ and return to EMP VOR.
NOTES: Lights installed Runways 18–36 only. Final approach from holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2200′; 180°–270°—3000′; 270°–360°—2800′.

City, Emporia; State, Kans.; Airport name, Emporia; Elev., 1204′; Fac. Class., BVORTAC; Ident., EMP; Procedure No. 1, Amdt. 5; Eff. date, 13 Aug. 66; Sup. Amdt. No. 4; Dated, 3 Aug. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn–6	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side crs, 240° Outbnd, 060° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 060°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing ERI VOR, make right-climbing turn to 3000′, intercept R 064° of Erie VOR, proceed to Hammett Int. Hold NE, 1-minute right turns, 244° Inbnd, or when directed by ATC, make immediate left-climbing turn to 3000′, return to Erie VOR. Hold SW, 1-minute right turns, 060° Inbnd.
MSA within 25 miles of the facility: 050°–140°—3100′; 140°–220°—2900′; 230°–320°—2300′; 320°–050°—1800′.
AIR CARRIER NOTE: 300–1 required for takeoff on all runways except 6–24. Sliding scale authorized Runways 6–24.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., H–BVORTAC; Ident., ERI; Procedure No. 1, Amdt. 7; Eff. date, 13 Aug. 66; Sup. Amdt. No. 6; Dated, 18 Dec. 65

				T-d	300–1	300–1	NA
				C-d	700–1	700–1	NA
				A-d	NA	NA	NA

Procedure turn N side of crs, 103° Outbnd, 283° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 283°—7.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing Jefferson VOR, make left-climbing turn to 2700′; return to Jefferson VOR.
Hold E, 1-minute right turns, 283° Inbnd.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2800′; 180°–360°—2300′.

City, Geneva; State, Ohio; Airport name, Germack; Elev., 820′; Fac. Class., L–BVORTAC; Ident., JFN; Procedure No. 1, Amdt. Orig.; Eff. date, 13 Aug. 66

R 090°, HUT VOR clockwise	R 213°, HUT VOR	Via 6-mile DME Arc.	3000	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
R 300°, HUT VOR counterclockwise	R 213,° HUT VOR	Via 6-mile DME Arc.	3000	S-dn–3	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
6-mile DME Fix, R 213°	HUT VOR (final)	Direct	2800				

Procedure turn W side of crs, 213° Outbnd, 033° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 033°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing VOR, climb to 4000′ on R 033° within 20 miles, or when directed by ATC, make left turn, climb to 2900′, proceed to HU LOM.
CAUTION: 3049′ TV tower located 3.5 miles E of airport.
*Aircraft taking off to N, S, NE, SE, climb to 3500′ prior to proceeding toward TV tower.
MSA within 25 miles of facility: 000°–090°—4100′; 090°–180°—3500′; 180°–270°—3000′; 270°–360°—3100′.

City, Hutchinson; State, Kans.; Airport name, Hutchinson Municipal; Elev., 1542′; Fac. Class., BVORTAC; Ident., HUT; Procedure No. 1, Amdt. 10; Eff. date, 13 Aug. 66; Sup. Amdt. No. 9; Dated, 1 Apr. 65

Camp Int	OGG VORTAC	Direct	6000	T-dn#	300–1	300–1	200–½
13-mile DME Fix, R 320°	13-mile DME Fix, R 027°	13-mile Arc	1500	C-dn	600–1	600–1	600–1½
13-mile DME Fix, R 069°	13-mile DME Fix, R 027°	13-mile Arc	1500	A-dn	800–2	800–2	800–2
13-mile DME Fix, R 027°	5-mile DME Fix, R 027°	Direct	700	When 5-mile DME Fix, OGG R 027° received, minimums become:			
				S-dn–20	500–1	500–1	500–1

Procedure turn W side of crs, 027° Outbnd, 207° Inbnd, 1500′ within 20 miles. Beyond 20 miles not authorized.
When authorized by ATC, DME may be used between 10 and 15 miles from R 320° clockwise to 069° at 1500′ to position aircraft for final approach with elimination of procedure turn.
Minimum altitude over facility on final approach crs, 700′; 600′ if 5-mile DME Fix received.
Facility on airport, breakoff point to Runway 20, 200°—1 mile (1.5 DME).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OGG VORTAC, turn left to 360°, intercept R 027° climbing to 3000′ within 20 miles, reverse crs and climb to 5000′ to VORTAC, or when authorized by ATC and DME operating, proceed to 13-mile DME Fix, R 027° at 3000′ and hold NE.
CAUTION: (1) 570′ tower, 4 mile W of airport. (2) Runway 20 restricted to 5290′; available for landings, due to trees in approach path.
#Takeoff minimums Runways 23, 20, and 17 are 600–1, and all aircraft must cross airport under visual conditions prior to departing on crs. All IFR aircraft must comply with published Kahului SID's.
MSA within 25 miles of facility: 000°–090°—4300′; 090°–180°—12,100′; 180°–270°—7800′; 270°–360°—7000′.

City, Kahului, Maui; State, Hawaii; Airport name, Kahului; Elev., 57′; Fac. Class., H–BVORTAC; Ident., OGG; Procedure No. 1, Amdt. Orig.; Eff. date, 13 Aug. 66

Volta Int	MER VOR	Direct	2500	T-dn	300–1	300–1	200–½
Turlock Int	MER VOR	Direct	2500	C-dn	500–1	500–1	500–1½
				S-dn–30	500–1	* 500–1	500–1
				A-dn#	NA	NA	NA

Radar available.
Procedure turn S side of crs, 108° Outbnd, 288° Inbnd, 2500′ within 10 miles.
Procedure turn S of crs to provide separation from Castle AFB.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 288°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing MER VOR, turn left and climb direct to MER VOR, continuing climb to 2000′ on MER VOR, R 108° within 10 miles.
#Alternate minimums of 800–2 authorized for air carrier with weather reporting service available at airport.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—2000′; 180°–270°—2000′; 270°–360°—2300′.

City, Merced; State, Calif.; Airport name, Merced Municipal; Elev., 155′; Fac. Class., LVOR; Ident., MER; Procedure No. 1, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 19 Aug. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SAT VOR	Stinson VOR	Direct	2300	T-dn	300-1	300-1	200-½
McCoy Int	Stinson VOR	Direct	2300	C-dn	500-1	500-1	500-1½
Losoya Int	Stinson VOR	Direct	2300	S-dn-32#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 337°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing SSF VOR, turn left, climb to 2300' on R 174°, SAT VOR to Losoya Int. Hold S on R 174°, SAT VOR, left turns, 1 minute, 2300'.
NOTE: Night operation authorized Runways 14-32 only. Control zone effective between 0700-2300 c.s.t.
CAUTION: 2049' TV tower, 11 miles ESE of Stinson Field.
#Straight-in minimums not authorized unless position is established over the LVR, R 240° on final approach.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2000'; 180°-270°—2100'; 270°-360°—2700'.

City, San Antonio; State, Tex.; Airport name, Stinson Field; Elev., 577'; Fac. Class., T-BVOR; Ident., SSF; Procedure No. 1, Amdt. 5; Eff. date, 13 Aug. 66; Sup Amdt. No. 4; Dated, 22 Jan. 66

				T-dn	300-1	300-1	200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-3	1000-3	1000-3

Radar available.
Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 320°—10.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing VWV VOR, make a climbing right turn to 2200', proceed to Waterville VOR. Hold SE, Waterville VOR, R 140°, right turns, 1 minute, 320° Inbnd.
MSA within 25 miles of facility: 000°-900°—2700'; 090°-180°—2400'; 180°-360°—2200'.

City, Toledo; State, Ohio; Airport name, Toledo-Express; Elev., 684'; Fac. Class., L-BVORTAC; Ident., VWV; Procedure No. 1, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 26 Oct. 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Red Bluff VOR	CIC VOR	Direct	2500	T-dn	300-1	300-1	200-½
Maxwell VOR	CIC VOR	Direct	2500	C-dn*	500-1	500-1	500-1½
Gridley Int	CIC VOR	Direct	2500	A-dn$	NA	NA	NA

Procedure turn W side of crs, 290° Outbnd, 110° Inbnd, 2500' wihtin 10 miles.
Minimum altitude over facility on final approach crs, 700'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CIC VOR, turn right, climb to 2500' on CIC, VOR R 290° within 15 miles.
NOTE: Use Red Bluff, Calif., altimeter setting.
*CAUTION: All maneuvering W of airport. High terrain E.
*700' minimum required when control zone not in effect.
$800-2 authorized for air carrier with weather reporting service on airport.
MSA within 25 miles of facility: 000°-090°—7300'; 090°-180°—4100'; 180°-270°—2100'; 270°-360°—5300'.

City, Chico; State, Calif.; Airport name, Chico Municipal; Elev., 237'; Fac. Class., TVOR; Ident., CIC; Procedure No. VOR (R 290°), Amdt. 1; Eff. date, 13 Aug. 66; Sup. Amdt. No. Orig.; Dated, 14 Aug. 65

Bellwood Int	OLU VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-d$*	500-1	500-1	500-1½
				C-n$*	500-2	500-2	500-2
				S-dn-14$*	500-1	500-1	500-1
				A-dn$*	800-2	800-2	800-2
				VOR/ADF minimums; VOR and ADF equipment required:			
				C-d$*	400-1	500-1	500-1½
				C-n$*	500-2	500-2	500-2
				S-dn-14$*	400-1	400-1	400-1

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 3000' within 10 miles.
Minimum altitude over Creston Int on final approach crs, 1942'% (2142'% when control zone not effective).
Crs and distance, Creston Int to airport, 150°—3.2 miles; Creston Int to VOR, 3.5 miles; breakoff point to Runway 14, 140°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OLU VOR or 3.2 miles after passing Creston Int, climb to 3000' on OLU, R 131° within 10 miles, make left turn and return to OLU VOR.
CAUTION: 1992' tower, 2.8 miles W of airport.
NOTES: (1) When 1992' tower, 2.8 miles W of airport is not visible on takeoff, maintain runway heading, 140°-320° as appropriate until 3000' before turning toward tower. (2) Use Lincoln, Nebr., altimeter setting when control zone not effective. (3) Operating VOR and ADF receivers required to identify Creston Int.
*These minimums apply at all times for air carriers with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 200' and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°-360°—3000'.

City, Columbus; State, Nebr.; Airport name, Columbus Municipal; Elev., 1442'; Fac. Class., T-BVOR; Ident., OLU; Procedure No. TerVOR-14, Amdt. 1; Eff. date, 13 Aug. 66; Sup. Amdt. No. Orig.; Dated, 11 Sept. 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bellwood Int	OLU VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-dS*	600-1	600-1	600-1½
				C-nS*	600-2	600-2	600-2
				S-dn*32S*	600-1	600-1	600-1
				A-dnS*	800-2	800-2	800-2

Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′ (2242′% when control zone not effective).
Facility on airport, breakoff point to Runway 32, 320°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OLU VOR, climb to 3000′ on OLU, R 330° within 10 miles, make left turn and return to OLU VOR.
NOTES: (1) When 1992′ tower, 2.8 miles W of airport is not visible on takeoff, maintain runway heading, 140°-320° as appropriate until 3000′ before turning toward tower. (2) Use Lincoln, Nebr., altimeter setting when control zone not effective.
CAUTION: 1992′ tower, 2.8 miles W of airport.
*These minimums apply at all times for air carriers with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°-360°—3000′.

City, Columbus; State, Nebr.; Airport name, Columbus Municipal; Elev., 1442′; Fac. Class., T-BVOR; Ident., OLU; Procedure No. TerVOR-32, Amdt. 2; Eff. date, 13 Aug. 66; Sup. Amdt. No. 1; Dated, 11 Sept. 65

				T-dn	300-1	300-1	200-½
				C-dn#*	500-1	500-1	500-1½
				S-dn-9#*%	500-1	500-1	500-1
				A-dn#*	800-2	800-2	800-2

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1103′ (1303′* when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing Escanaba VOR, make right-climbing turn to 2400′ on R 266° within 10 miles. Hold W on R 266° Escanaba VOR.
CAUTION: (1) Magnetic disturbance of as much as 14° exists at ground level at Escanaba. (2) 752′ water tower, 1.2 miles NNE of airport. (3) Use Marquette, Mich., altimeter setting when control zone not effective.
*Circling and straight-in ceiling minimums are raised 200′ and alternate minimums not authorized when control zone not effective.
#These minimums apply at all times for air carriers with approved weather reporting service.
%Reduction below 1 mile for nonstanard REIL not authorized.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—1700′; 180°-270°—2300′; 270°-360°—2200′.

City, Escanaba; State, Mich.; Airport name, Escanaba Municipal; Elev., 603′; Fac. Class., LBVOR; Ident., ESC; Procedure No. TerVOR-9, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 3 Apr. 65

BI LFR	BIG VORTAC	Direct	3000	T-dn	300-1	300-1	200-½
10-mile DME Fix, R 011°	5-mile DME Fix, R 011°	191°—5 miles	3000	C-dn	500-1	500-1	500-1½
5-mile DME Fix, R 011° (final)	BIG VORTAC	191°—5 miles	1700	S-dn-18%*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn not required with DME.
Procedure turn E side of crs, 011° Outbnd, 191° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, breakoff point to approach end of Runway 18, 178°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of BIG VORTAC, turn left, climb to 3000′ on R 011° within 15 miles.
NOTES: Restricted areas: R-2202A and R-2202B W of airport. #If not DME equipped, maintain 1800′ until past BI LFR; if LFR not identified on final, circling minimums apply. When authorized by ATC, DME may be used to position aircraft for final approach at 4600′ between radials 280° clockwise to 095°, within 15 miles with the elimination of a procedure turn.
%400-¾ authorized, except for 4-engine turbojets, with operative HIRL.
MSA within 25 miles of facility: 000°-090°—5200′; 090°-180°—9000′; 180°-270°—6300′; 270°-360°—4700′.

City, Fort Greely (formerly Delta Junction); State, Alaska; Airport name, Allen AAF; Elev., 1266′; Fac. Class., H-VORTAC; Ident., BIG; Procedure No. Ter VOR-18, Amdt. 1; Eff. date, 13 Aug. 66; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

Cameron Int	GBG VOR	Direct	2300	T-dn	300-1	300-1	200-½
MLI VOR	GBG VOR	Direct	2300	Minimums when control zone effective:			
PIA VOR	GBG VOR	Direct	2300	C-dn* #.	800-1	800-1	800-1½
				S-dn-2* #.	800-1	800-1	800-1
				A-dn* #.	800-2	800-2	800-2

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1563′ (1663′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing GBG VOR, climb to 2100′ on GBG R 015° within 10 miles, make left turn and return to GBG VOR.
NOTE: Use Burlington altimeter setting when control zone not effective.
*These minimums apply at all times for those air carriers with approved weather reporting service.
#Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°-090°—2900′; 090°-270°—2200′; 270°-360°—2500′.

City, Galesburg; State, Ill.; Airport name, Galesburg Municipal; Elev., 763′; Fac. Class., T-BVOR; Ident., GBG; Procedure No. Ter VOR-2, Amdt. 1; Eff. date, 13 Aug. 66; Sup. Amdt. No. Orig.; Dated, 2 Oct. 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cameron Int	GBG VOR	Direct	2300	T-dn	300-1	300-1	200-½
MLI VOR	GBG VOR	Direct	2300	Minimums when control zone effective:			
PIA VOR	GBG VOR	Direct	2300	C-dn* #	500-1	500-1	500-1½
				S-dn-20* #	500-1	500-1	500-1
				A-dn* #	800-2	800-2	800-2

Procedure turn W side of crs, 015° Outbnd, 195° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1263′ (1363′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing GBG VOR, climb to 2100′ on GBG, R 210° within 10 miles, make right turn and return to GBG VOR.
NOTE: Use Burlington altimeter setting when control zone not effective.
*These minimums apply at all times for those air carriers with approved weather reporting service.
#Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000–090°—2900′; 090°–270°—2200′; 270°–360°—2500′.

City, Galesburg; State, Ill.; Airport name, Galesburg Municipal; Elev., 763′; Fac. Class., T-BVOR; Ident., GBG; Procedure No. Ter VOR-20, Amdt. 1; Eff. date, 13 Aug. 66; Sup. Amdt. No. Orig.; Dated, 20 Oct. 65

GRI VOR	HSI VOR	Direct	3700	T-dn	300-1	300-1	300-1
				C-dn$*	600-1	600-1	600-1½
				S-dn-14$*	600-1	600-1	600-1
				A-dn$*	800-2	800-2	800-2
				VOR/ADF minimums, VOR and ADF receivers required:			
				C-dn$*	500-1	500-1	500-1½
				S-dn-14$*	400-1	400-1	400-1

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 3700′ within 15 miles.
Minimum altitude over Hansen Int on final approach crs, %2554′ (%2654′ when control zone not effective).
Crs and distance, Hansen Int to airport, 148°—5 miles; Hansen Int to VOR, 148°—5.2 miles;.
Breakoff point to Runway 14, 140°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing HSI VOR, climb to 3700′ on R 133° within 12 miles, make left turn and return to HSI VOR.
CAUTION: 2707′ tower, 2.8 miles NNE of airport.
NOTE: (1) Use Grand Island altimeter setting when control zone not effective. (2) When instrument flight planned to N, NW, or NE, maintain runway heading, 140°–320° as appropriate until 3700′ before departing on crs. (3) Lights operating on Runways 14–32 only.
*These minimums apply at all times for those air carriers with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 305°–225°—3800′; 225°–315°—4300′.

City, Hastings; State, Nebr.; Airport name, Hastings Municipal; Elev., 1954′; Fac. Class., T-BVOR; Ident., HSI; Procedure No. TerVOR-14, Amdt. 5; Eff. date, 13 Aug. 66; Sup. Amdt. No. 4; Dated, 6 Nov. 65

GRI VOR	HSI VOR	Direct	3700	T-dn	300-1	300-1	300-1
				C-dn$*	600-1	600-1	600-1½
				S-dn-32$*	600-1	600-1	600-1
				A-dn$*	800-2	800-2	800-2

Procedure turn E side of crs, 133° Outbnd, 313° Inbnd, 3700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2554′% (2654′% when control zone not effective).
Facility on airport, breakoff point to Runway 32, 320°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing HSI VOR, climb to 3700′ on R 328° within 12 miles, make left turn and return to HSI VOR.
NOTES: (1) Use Grand Island, Nebr., altimeter setting when control zone not effective. (2) When instrument flight planned to N, NW, or NE, maintain runway heading 140°–320° as appropriate until 3700′ before departing on crs. (3) Lights operating on Runways 14–32 only.
CAUTION: 2707′ tower, 2.8 miles NNE of airport.
*These minimums apply at all times for those air carriers with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 315°–225°—3800′; 225°–315°—4300′.

City, Hastings; State, Nebr.; Airport name, Hastings Municipal; Elev., 1954′; Fac. Class., T-BVOR; Ident., HSI; Procedure No. TerVOR-32, Amdt. 4; Eff. date, 13 Aug. 66; Sup. Amdt. No. 3; Dated, 6 Nov. 65

POM VOR	Chino Int	Direct	4500	T-dn%	300-1	300-1	300-1
Prado Int	Chino Int (final)	Direct	2700	C-dn	800-1	800-1	800-1½
SNA VOR	Prado Int	Direct	4000	A-dn*	1000-2	1000-2	1000-2
Olive Int	Prado Int	Direct	4000				

Radar available.
Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 4500′ within 10 miles of Chino Int.
Minimum altitude over Chino Int on final approach crs, 2700′.
Crs and distance, Chino Int to POM VOR, 344°—4 miles; VOR to airport, 355°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of POM VOR, make left-climbing turn, climb via R 164° to Prado Int at 4000′, or when directed by ATC, turn right, climb via POM VOR R 112° to ONT VOR at 4000′.
%Northbound (256° through 085°) and southbound (150° through 185°) IER departures. Takeoff: Runway 8—Climb runway heading to intercept and proceed via ONT, R 303° to ONT VOR. Minimum altitude 3500′. Runway 26—After crossing the end of Runway 26, climb heading, 235° to 1400′, turn left, intercept and climb via POM, R 254° and LGB, R 010° to V-16. Minimum altitude 3000′.
*Weather service available 0700–2300.
MSA within 25 miles of facility: 000°–090°—11,100′; 090°–180°—6700′; 180°–270°—3000′; 270°–360°—10,400′.

City, La Verne; State, Calif.; Airport name, Brackett Field; Elev., 1001′; Fac. Class., L-BVORTAC; Ident., POM; Procedure No. VOR (R-164), Admt. 2; Eff. date, 13 Aug. 66; Sup. Amdt. No. 1; Dated, 31 Mar. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
YK LFR	YAK VORTAC	Direct	1200	T-dn	300–1	300–1	200–½
20-mile DME, R 243°	YAK VORTAC	Direct	1200	C-dn*	500–1	500–1	500–1½
20-mile DME, R 110°	YAK VORTAC	Direct	1200	S-dn-11*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 1200′ within 10 miles.
Minimum altitude over facility, 537′*.
Crs and distance, breakoff point to approach end of Runway 11, 106°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of YAK VORTAC, turn right, climb to 1700′ on YAK VORTAC R 118° within 15 miles.
*Descent below 637′ on final not approved unless passage of SW crs YK LFR positively identified. When authorized by ATC, DME may be used to position aircraft for final approach at 1200′ between radials 110° clockwise to 268° within 10 miles, with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—6700′; 090°–180°—2000′; 180°–270°—2000′; 270°–360°—8000′.

City, Yakutat; State, Alaska; Airport name, Yakutat; Elev., 37′; Fac. Class. BVORTAC; Ident., YAK; Procedure No. TerVOR-11, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 28 May 66

5. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 13 AUG. 1966.

City, Kahului, Maui; State, Hawaii; Airport name, Kahului; Elev., 57′; Fac. Class., H-BVORTAC; Ident., OGG; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 5 Feb. 66; Sup. Amdt. No. Orig.; Dated, 25 Dec. 65

MFD VOR	9-mile DME Fix, R 133°	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-32#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 133° Outbnd, 313° Inbnd, 2500′ within 10 miles of 9-mile DME Fix, R 133°.
Minimum altitude over 9-mile DME Fix, R 133° on final approach crs, 2500′.
Crs and distance, 9-mile DME Fix, R 133° to airport, 313°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5-mile DME Fix, R 133°, climb to 2700′, proceed direct to Mansfield VOR. Hold NW, Mansfield VOR, right turns, 1 minute, 130° Inbnd, or when directed by ATC, climb on 313° crs to 2500′, turn right and return to 9-mile DME Fix, R 133°, hold SE, right turns, 1 minute, 313° Inbnd.
NOTE: When authorized by ATC, DME may be used between R 036° clockwise to R 183° at 3000′ between 12 and 15 miles to position aircraft for final approach to the 9-mile DME Fix with elimination of procedure turn.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–270°—2800′; 270°–360°—2300′.

City, Mansfield; State, Ohio; Airport name, Mansfield Municipal; Elev., 1297′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 13 Aug. 66; Sup. Amdt. No. 2; Dated, 25 Sept. 65

15-mile DME Fix, R 140°	VWV VOR	Direct	2200	T-dn	300–1	300–1	200–½
VWV VOR	6-mile DME Fix, R 320° (final)	Direct	1700	C-dn	500–1	500–1	500–1½
6-mile DME Fix, R 320°	10.4-mile DME Fix, R 320°	Direct	1200	A-dn	800–2	800–2	800–2

Radar available.
Procedure turn N side of crs, 140° Outbnd, 320° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′; over 6-mile DME Fix, R 320°, 1700′.
Crs and distance, facility to airport, 320°—10.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 10.4-mile DME Fix, R 320°, make right-climbing turn to 2200′, proceed to Waterville VOR. Hold SE Waterville VOR on R 140°, right turns, 1 minute, 320° Inbnd.
NOTE: When authorized by ATC, DME may be used within 15 miles at 2600′ to position aircraft for final approach, with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2700′; 090°–180°—2400′; 180°–360°—2200′.

City, Toledo; State, Ohio; Airport name, Toledo-Express; Elev., 684′; Fac. Class., L-BVORTAC; Ident., VWV; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 13 Aug. 66; Sup. Amdt. No. 1; Dated, 26 Oct. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
HUT VOR	LOM	Direct	2900	T-dn*	300–1	300–1	200–½
Sterling Int	LOM	Direct	3200	C-dn	500–1	500–1	500–1½
Buhler Int	LOM	Direct	4000	S-dn-13@	200–½	200–½	200–½
Burrton Int	LOM	Direct	4000	A-dn	600–2	600–2	600–2
Groveland Int	LOM	Direct	3200				

Procedure turn N side crs, 309° Outbnd, 129° Inbnd, 2900′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2900′.
Altitude of glide slope and distance to approach end of runway at OM, 2831′—4 miles; at MM, 1765′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to HUT VOR climbing to 3000′ via the SE crs of HUT ILS and 053° radial of HUT VOR.
CAUTION: 3049′ TV tower located, 3.5 miles E of airport. *Aircraft taking off to N, S, NE, SE, climb to 3500′ prior to proceeding toward TV tower.
@500–1 required when glide slope not utilized, 500–¾ authorized with operative HIRL, 500–½ authorized with operative ALS, except for 4-engine turbojets.

City, Hutchinson; State, Kans.; Airport name, Hutchinson Municipal; Elev., 1542′; Fac. Class., ILS; Ident., IHUT; Procedure No. ILS-13, Amdt. 4; Eff. date, 13 Aug. 66; Sup. Amdt. No. 3; Dated, 1 Apr. 65

HUT VOR	Storage Int	Direct	4000	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-31@	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side crs, 129° Outbnd, 309° Inbnd, 3300′ within 10 nautical miles of Storage Int.
Minimum altitude over Storage Int on final approach crs, 3000′.
Crs and distance, Storage Int to airport, 309°–4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Storage Int, climb on NW crs, HUT ILS to 2900′ and proceed to LOM, or when directed by ATC, proceed to HUT VOR climbing to 3000′ via the ILS crs and the 354° radial of HUT VOR.
CAUTION: 3049′ TV tower located 3.5 miles E of airport. *Aircraft taking off to N, S, NE, SE, climb to 3500′ prior to proceeding toward TV tower.
NOTE: (1) Final approach from holding pattern at Storage Int not authorized. Procedure turn required. Maintain 4000′ until established outbound SE of Storage Int. (2) ILS, VOR receivers required.
@400–¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Hutchinson; State, Kans; Airport name, Hutchinson Municipal; Elev., 1542′; Fac. Class., ILS; Ident., I-HUT; Procedure No. ILS-31 (back crs), Amdt. 4; Eff. date, 13 Aug. 66; Sup. Amdt. No. 3; Dated, 1 Apr. 65

KG LFR	LOM	Direct	1700	T-dn	300–1	300–1	200–½
AKN VORTAC	LOM	Direct	1700	T-dn-29	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				S-dn-11*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn S side crs, 291° Outbnd, 111° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope interception Inbnd final, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1650′—4.8 miles; at MM, 290′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on SE crs, I-AKN ILS to 3000′ within 15 miles, or when directed by ATC, turn right, climb to 2000′ on R 165° of AKN VORTAC within 15 miles.
NOTE: Radio towers, 262′—½ mile and 185′—1.1 miles W of airport.
*300–¾ required when glide slope inoperative. Descent below 463′ not approved until passage of KG LFR positively identified.

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57′; Fac. Class., ILS; Ident., I-AKN; Procedure No. ILS-11, Amdt. 7; Eff. date, 13 Aug. 66; Sup. Amdt. No. 6; Dated, 22 Aug. 64

Macon VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Powersville Int	LOM (final)	Direct	1600	C-dn	500–1	500–1	500–1½
				S-dn-5*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.
Procedure turn S side SW crs, 227° Outbnd, 047° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of Runway at OM, 1490—3.8 miles; at MM, 540′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, make climbing left turn to 2200′. Intercept 360′ track of MC LOM within 15 miles, or when directed by ATC, climb to 2200′ on crs, 047° within 15 miles of LOM.
CAUTION: 1209′ tower, 5.5 miles NE of airport on missed approach crs.
*500–¾ required when glide slope not utilized. Reduction not authorized.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354′; Fac. Class., ILS; Ident., I-MCN; Procedure No. ILS-5, Amdt. 12; Eff. date, 13 Aug. 66; Sup. Amdt. No. 11; Dated, 14 May 66

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Marion Int	LOM	Direct	2200	T-dn@	300–1	300–1	200–½
Rochester VOR	LOM	Direct	2000	C-dn**	500–1	600–1	600–1½
Fishers Int	LOM	Direct	2000	S-dn-28%*	200–½	200–½	200–½
Fishers Int	ILS E crs (final)	Via crs 345°	2000	A-dn#	600–2	600–2	600–2

Radar available.
Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—4.5 miles; at MM, **780′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right-climbing turn to 3000′, intercept R 298° of Rochester VOR, proceed to Spencerport Int. Hold W, 1-minute left turns, 118° Inbnd, or when directed by ATC, make left-climbing turn to 3900′, proceed to Geneseo VOR, hold SE 1-minute right turns, 333° Inbnd.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
CAUTION: Multiple unshielded lights in final approach area.
%2400′ RVR. Descent below 760′ not authorized when approach lights are visible.
*Circling minimums applicable with glide slope inoperative.
**Minimum altitude, 1300′ over MM with glide slope inoperative.
$All installed components of the ILS must be operating otherwise alternate minimums of 800–2 apply.
@RVR, 2400′ authorized Runway 28.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560′; Fac. Class., ILS; Ident., I–ROC; Procedure No. ILS–28, Amdt. 14; Eff. date, 13 Aug. 66; Sup. Amdt. No. 13; Dated, 10 July 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
090°	360°	Within 20 miles	6300	T-dn#	300–1	300–1	200–½
				C-dn	600–2	600–2	600–2
				S-dn-16	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 2000′ on PAE VOR, R 275° within 10 miles, or when directed by ATC, turn right, climb to 2000′ direct to PARE LOM.
#Takeoff minimums authorized only for Runways 16 and 34.

City, Everett; State, Wash.; Airport name, Paine Field; Elev., 603′; Fac. Class. and Ident., Paine Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 13 Aug. 66

		Within:		Precision approach			
360°	180°	10 miles	2500	T-dn	300–1	300–1	300–1
180°	235°	10 miles	4000	C-dn	600–1	600–1	600–1½
235°	285°	10 miles	3000	S-dn-14	300–1	300–1	300–1
285°	360°	10 miles	2000	A-dn	NA	NA	NA
				Surveillance approach			
				T-dn	300–1	300–1	300–1
				C-dn	600–1	600–1	600–1½
				S-dn-14#	600–1	600–1	600–1
				A-dn	NA	NA	NA

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn to 2000′, proceed direct to Springfield RBn, hold NW, 151° Inbnd, 1-minute right turns.
NOTES: (1) In the event of lost two-way radio communications while in Springfield holding pattern, hold for 10 minutes then proceed direct to Washington outer compass locator (DC) and make an approach to Washington National Airport appropriate to the equipment aboard the aircraft. (2) Authorized for military use only, except by prior arrangement. #(3) Not below 800′ until past a 3-mile Radar Fix.

City, Fort Belvoir; State, Va.; Airport name, Davison AAF; Elev., 69′ Fac. Class. and Ident., Davison Radar; Procedure No. 2, Amdt. Orig.; Eff. date, 13 Aug. 66

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
0°	360°	Within 7 miles	1600	Surveillance approach			
Within ILS procedure turn area			1600	T-dn	300-1	300-1	200-½
		Within:		C-dn	500-1	500-1	500-1½
300°	010°	7-25 miles	2100	S-dn-5,* 23, 13#	500-1	500-1	500-1
010°	180°	7-25 miles	2000	A-dn	800-2	800-2	800-2
180°	300°	7-15 miles	2100				
180°	300°	15-25 miles	2700				

All bearings and distances are from radar site on Robins Air Force Base with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 5: Climb to 2200' on R 020° of MCN VOR within 20 miles. Runway 23: Climb to 2000' on R 227° of MCN VOR within 20 miles. Runway 13: Turn right, climb to 2000' on R 227° of MCN VOR within 20 miles.
NOTE: Radar control must provide 1000' vertical clearance within a 3-mile radius of 751' tower, 5.5 miles S and 1209' tower, 5.5 miles NE of airport, and 1549' tower, 20 miles SE.
* Reduction below ¾ mile not authorized.
# Radar control will not descend aircraft below 2000' on final to Runway 23 until past 1209' tower.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354'; Fac. Class. and Ident., Macon Radar; Procedure No. 1, Amdt. 6; Eff. date, 13 Aug. 66; Sup. Amdt. No. 5; Dated, 14 May 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775))

Issued in Washington, D.C., on July 6, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-7632; Filed, July 21, 1966; 8:45 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 7496; Termination of Docket 1380]

PART 167—ANNETTE ISLAND, ALASKA, AIRPORT

This action terminates Docket 1380 and amends Chapter I of Title 14 of the Code of Federal Regulations by adding Part 167—Annette Island, Alaska, Airport.

Notice of proposed rule making 62-41 of September 10, 1962 (Docket 1380) was published in the FEDERAL REGISTER on September 13, 1962 (27 F.R. 9107). The scope of Notice 62-41 extended "to all airports in Alaska which are owned by the United States and are operated and maintained by the FAA." Since the date of issuance of Notice 62-41, a majority of the FAA airports in Alaska have either been transferred to the State of Alaska or are in the final stages of negotiation for such transfer. Of the airports being retained by the FAA, all but Annette Island are small "intermediate airports" for which the regulations proposed by Notice 62-41 are considered to be unnecessary or impractical. Therefore, Docket 1380 is hereby terminated.

New Part 167, as now adopted, contains only provisions for aircraft landing and parking charges. Other pertinent provisions such as motor vehicle and airport safety regulations will be added later.

Although this rule-making action is not based on Notice 62-41, the comments received on the fees proposed in that notice were considered in adopting this amendment. The other provisions proposed will be issued as a notice of proposed rule making at a later date.

Since this regulation relates to public property, notice and public procedure thereon are not required.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended, effective August 21, 1966, by adding Part 167 reading as hereinafter set forth.

Subpart A—General

Sec.
167.1 Applicability.
167.5 Publication of rates and charges for supplies and services fixed by the Regional Director.

Subpart G—Charges

167.181 Landing charges.
167.183 Parking charges.
167.185 Computation of weight for payment of charges.
167.187 Charges for aircraft based at the Airport.
167.189 Payment of charges.

AUTHORITY: The provisions of this Part 167 issued under sec. 10, International Facilities Act of June 16, 1948 (49 U.S.C. 1159); secs. 303(d), 307(b), 313(a), 1107(a), Federal Aviation Act of 1958 (49 U.S.C. 1344(d), 1348(b), 1354(a), 1507(a)); Budget Bureau Circular A-25 of Sept. 23, 1959.

Subpart A—General

§ 167.1 Applicability.

This part prescribes the rules governing the use of the Annette Island, Alaska, Airport (in this part referred to as "the Airport") operated by the Federal Aviation Agency.

§ 167.5 Publication of rates and charges for supplies and services fixed by the Regional Director.

Whenever this part provides that the FAA Regional Director for the Alaskan Region (Regional Director) fixes charges for supplies or services, the orders prescribing these charges are on file, and may be inspected, at the FAA Regional Office, 632 Sixth Avenue, Anchorage, Alaska. Copies of the orders are on file, and may be inspected, at the office of the Area Manager at Annette, Alaska. Lists of all charges in effect are posted at the office of the Area Manager and at the Airport.

Subpart G—Charges

§ 167.181 Landing charges.

(a) Except as provided in paragraph (b) of this section and in § 167.187, the charge for each landing of an aircraft at the Airport is as follows:

Number of landings each calendar month	*Charge for each 1,000 lbs. for each landing*
1-10	$0.25
11-35	.15
Over 35	.10

For the purpose of this paragraph, the landings of all the aircraft of the same owner are counted as though they were the landings of the same aircraft.

(b) There is no landing charge under this subpart for the following:

(1) Public aircraft;

(2) Aircraft engaged in a test flight, not including a survey or proving run;

(3) Aircraft compelled to return after takeoff; and

(4) Aircraft of 6,000 pounds or less weight.

§ 167.183 Parking charges.

(a) The charge for parking an aircraft of 6,000 pounds or less weight at the Airport is as follows:

Period of time	*Charge*
Each day, or fraction thereof	$1.00
Each week	3.00
Each calendar month	6.00

(b) The charge for parking an aircraft of more than 6,000 pounds weight at the Airport is as follows:

Period of time	*Charge for each 1,000 lbs.*
Each day or fraction thereof	[1] $0.10
Each week	.50
Each calendar month	1.50

[1] Minimum $1.

(c) Charges for the parking of aircraft under this section begin 6 hours after the aircraft lands at the Airport.

§ 167.185 Computation of weight for payment of charges.

For purposes of §§ 167.181(a) and 167.183(b) the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 167.187 Charges for aircraft based at the Airport.

The Regional Director may fix such fair and reasonable landing and parking charges for aircraft based at the Airport as he considers appropriate, without regard to §§ 167.181 and 167.183.

§ 167.189 Payment of charges.

(a) Charges for storage, repairs, supplies and other services furnished by the FAA at the Airport, and for the use of the Airport facilities, must be paid to the Airport Manager before leaving the Airport. The user shall pay the charges in U.S. currency, unless he has arranged with the Regional Director, or the Airport Manager, to pay the charges in some other manner.

(b) The pilot of each aircraft whose owner or lessee does not have a contract with the FAA for the aircraft to use the Airport shall, immediately upon arriving, register at the Airport office.

Issued in Washington, D.C., on July 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-7969; Filed, July 21, 1966; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-468]

PART 242—REPORTING RESULTS OF SCHEDULED ALL-CARGO SERVICES

Filing Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on July 19, 1966.

Part 242 (14 CFR Part 242) of the Board's Economic Regulations presently requires each air carrier subject to that part to file its yearend reports on Form 242 by February 15 of each year. However the information for Form 242 is derived from that reported on Form 41; and by ER-447, October 27, 1965 the Board established March 31 as the date for filing Form 41. Therefore it is impractical for those filing Form 242 to have that report completed by February 15. Consequently the Board has determined to amend Part 242 so that the date for filing Form 242 is extended to April 5.

Accordingly, the Civil Aeronautics Board hereby amends Part 242 of its Economic Regulations (14 CFR Part 242) effective July 22, 1966 as follows:

Amend § 242.2(b) so that the section reads as follows:

§ 242.2 CAB Form 242; filing requirements.

* * * * *

(b) Schedule B shall be prepared as of June 30 and December 31 of each year, and schedules P and T shall be prepared for the 12 months ending June 30 and December 31 of each year. The allocation statement shall be filed with the initial report, and with any subsequent report for a period in which the allocation procedures changed. Form 242 shall be filed (postmarked) with the Board not more than 45 days after the end of the June 30 reporting period and not more than 95 days after the end of the December 31 reporting period. The report shall be addressed to the Civil Aeronautics Board, attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

(Secs. 204(a), 401(n), and 407; 72 Stat. 743, 754, 766; 49 U.S.C. 1324, 1371, 1377)

NOTE: This is Amendment No. 1 to Part 242 effective Apr. 5, 1965.

Adopted: July 19, 1966.

Effective date. July 22, 1966.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-8005; Filed, July 21, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart B—Drugs Exempted From Prescription-Dispensing Requirements

TYLOXAPOL AND BENZALKONIUM CHLORIDE

One adverse comment was received in response to the notice published in the FEDERAL REGISTER of March 31, 1966 (31 F.R. 5203), proposing to exempt certain tyloxapol and benzalkonium chloride-containing preparations from prescription-dispensing requirements. The Commissioner of Food and Drugs, having considered the comment received and other relevant information, has concluded that limiting such preparations to prescription use is not necessary to protect the public health.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 503(b)(3), 505, 701(a), 52 Stat. 1052, as amended, 1055, 65 Stat. 648, 76 Stat. 781–785; 21 U.S.C. 353(b)(3), 355, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 130.102(a) is amended by adding thereto a new subparagraph, as follows:

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) * * *

(28) Tyloxapol (an alkylarylpolyether alcohol) and benzalkonium chloride ophthalmic preparations meeting all the following conditions:

(i) The tyloxapol and benzalkonium chloride are prepared, with other appropriate ingredients which are not drugs limited to prescription sale under the provisions of section 503(b)(1) of the act, as a sterile, isotonic aqueous solution suitable for use in self-medication on eye prostheses.

(ii) The preparation is so packaged as to volume and type of container as to afford adequate protection and be suitable for self-medication with a minimum risk of contamination of the solution during use. Any dispensing unit is sterile and so packaged as to maintain sterility until the package is opened.

(iii) The tyloxapol, benzalkonium chloride, and other ingredients used to prepare the isotonic aqueous solution meet their professed standards of identity, strength, quality, and purity.

(iv) An application pursuant to section 505(b) of the act is approved for the drug.

(v) The preparation contains 0.25 percent of tyloxapol and 0.02 percent of benzalkonium chloride.

(vi) The label bears a conspicuous warning to keep the drug out of the reach of children and the labeling bears, in juxtaposition with the dosage recommendations, a clear warning that if irritation occurs, persists, or increases, use of the drug should be discontinued and a physician consulted. The labeling includes a statement that the dropper or other dispensing tip should not touch any surface, since this may contaminate the solution.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Secs. 503(b)(3), 505, 701(a), 52 Stat. 1052, as amended, 1055, 65 Stat. 648, 76 Stat. 781–785; 21 U.S.C. 353(b)(3), 355, 371(a))

Dated: July 15, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8001; Filed, July 21, 1966; 8:48 a.m.]

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Chloramphenicol Sodium Succinate for Injection

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic

Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), the antibiotic drug regulations for chloramphenicol sodium succinate for injection are amended as follows to change the expiration date of the drug from 36 months to up to 60 months and to delete from the name of the drug the word "aqueous":

1. Section 141d.315 is amended by changing the section heading to read as follows:

§ 141d.315 Chloramphenicol sodium succinate for injection.

2. Section 146d.315 is amended as follows:

a. The section heading is changed to read:

§ 146d.315 Chloramphenicol sodium succinate for injection.

b. The word "aqueous" is deleted from the name of the drug in the first and next to last sentences in paragraph (a) and in the first sentence in paragraph (b).

c. Paragraph (b) (2) is revised to read as follows:

(2) The expiration date of the drug shall be 36 months after the month during which the batch was certified, except that an expiration date that is 42, 48, 54, or 60 months after the month during which the batch was certified may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time, such drug as prepared by him complies with the standards prescribed by this section.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the change in expiration date is such that it cannot be applied to any specific product unless and until its manufacturer has supplied adequate data regarding that article, and since the other changes are editorial in nature.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 15, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8000; Filed, July 21, 1966; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Albemarle and Chesapeake Canal (AIWW), Va., and Lake Erie, Ohio

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.350 is hereby prescribed governing the operation of the U.S. Government bridge across the Albemarle and Chesapeake Canal (AIWW) at Great Bridge, Va., effective 60 days after publication in the FEDERAL REGISTER, as follows:

§ 203.350 Albemarle and Chesapeake Canal (AIWW), Va.; U.S. Government bridge at Great Bridge.

(a) The agency operating the bridge shall not be required to open the drawspan for pleasure craft between the hours of 7:30 a.m. and 8:30 a.m. and between the hours of 5 p.m. and 6 p.m., Monday through Friday, State and Federal holidays excepted. All commercial water traffic and all vessels of the United States shall be passed at all times. Other vessels shall be passed during restricted hours under emergency circumstances, provided the District Engineer, U.S. Army Engineer District, Norfolk, has been specifically notified by the Coast Guard.

(b) Mooring facilities are provided for pleasure craft awaiting passage during the hours of restricted operation. These vessels shall be allowed to pass whenever the drawspan is opened for commercial or Federal traffic.

(c) During all other hours not specifically noted in this section, the drawspan of the bridge shall be opened for any vessel requiring passage.

(d) Signs shall be posted on both the upstream and downstream sides of the bridge regarding the hours of restricted operation in such a manner that they can easily be read at any time.

[Regs., July 6, 1966, 1507-32 (Albemarle and Chesapeake Canal (AIWW)-ENGCW-ON]

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.-187 is hereby amended with respect to subdivision (vii) of paragraph (a) (2) and subdivisions (iv) and (vi) of paragraph (b) (2) changing the name of the enforcing agency effective on publication in the FEDERAL REGISTER, as follows:

§ 204.187 Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.

(a) * * *

(2) *The regulations.* * * *

(vii) *Enforcing agency.* The regulations in this section shall be enforced by the Adjutant General, State of Ohio, and such agencies as he may designate. Equipment used in clearing the area will fly or expose a square red flag.

(b) * * *

(2) *The regulations.* * * *

(iv) *Suspension of firing.* The Adjutant General, State of Ohio, shall have the authority to suspend all or any firing for reasonable periods during regattas and immediately after nets are destroyed or dislocated by severe storms.

* * * * *

(vi) *Enforcing agency.* The danger zones and the patrolling thereof shall be under the control of the Adjutant General, State of Ohio, and such agencies as he may designate. Equipment used in clearing the areas will fly or expose a square red flag.

* * * * *

[Regs., July 5, 1966, 1507-32 (Lake Erie, Ohio)-ENGCW-ON]

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 66-7966; Filed, July 21, 1966; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

MISSISSIPPI

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Mississippi:

MISSISSIPPI

County;	Place for filing;	Beginning date.
*	*	*
Grenada;	Grenada—Post Office Building;	July 22, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-8125; Filed, July 21, 1966; 11:38 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting, and is delineated on a map available at the refuge headquarters, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of big game is permitted during the period August 27 through September 5, 1966, in accordance with all applicable State regulations subject to the following special conditions:

(a) Species permitted to be taken: Antelope.

(b) Other provisions:

1. The provisions of this special regulation supplement regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective through September 5, 1966.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 13, 1966.

[F.R. Doc. 66-7990; Filed, July 21, 1966; 8:47 a.m.]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

On page 7703 of the FEDERAL REGISTER of May 28, 1966, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Bear River Migratory Bird Refuge, Utah, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i; sec. 4, 48 Stat. 451; 16 U.S.C. 718d; and sec. 5, 45 Stat. 449; 16 U.S.C. 690d)

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

* * * * *

ABRAM V. TUNISON,
Acting Director.

JULY 15, 1966.

[F.R. Doc. 66-7995; Filed, July 21, 1966; 8:47 a.m.]

PART 33—SPORT FISHING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Erie National Wildlife Refuge, Guys Mills, Pa., is permitted on areas designated by signs as open to fishing. These open areas, comprising 0.7 mile of creek and 840 feet of pond shoreline, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Bank fishing is permitted on all designated public fishing areas.

(2) Boats may be used for fishing in Lake Creek above Sugar Lake where designated by posting.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1966.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife, Boston, Mass.

JULY 12, 1966.

[F.R. Doc. 66-7991; Filed, July 21, 1966; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3256 is amended to show that three positions at grades GS-9 and above engaged in the preparation and dissemination of information about the developments, legislation, and other pertinent happenings related to the civil rights field, gathered by the Commission on Civil Rights, will remain in Schedule B until August 1, 1967. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3256 is amended as set out below.

§ 213.3256 Commission on Civil Rights.

(a) Until August 1, 1967, three positions at grades GS-9 and above to engage in the preparation and dissemination of information about the developments, legislation, and other pertinent happenings relating to the field of civil rights gathered by the Commission on Civil Rights in carrying out its assigned functions.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-7987; Filed, July 21, 1966; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to except from the competitive service not more than six Research Associates in the Food and Drug Administration under Schedule A. These appointments may not be for more than 1 year but may be extended for an additional year with the prior approval of the Commission. Effective on publication in the FEDERAL REGISTER, paragraph (h) is added to § 213.3116 as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

* * * * *

(h) *Food and Drug Administration.* (1) Research Associate positions in the Bureau of Science, Washington, D.C., when filled on a temporary basis by persons having a doctoral degree or its equivalent in the field of food chemistry, nutrition, pharmacology, microbiology, pharmaceutical chemistry, or cosmetic chemistry, for research programs of mutual interest to the appointee and the bureau. No more than six appointments

a calendar year may be made under this provision. Employment under this provision may not exceed 1 year in any individual case, except that with prior approval of the Commission an appointment may be extended for not more than 1 additional year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–7988; Filed, July 21, 1966; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that two additional positions of Congressional Liaison Assistant are in Schedule C and that the titles of the Director and General Deputy, Land and Facilities Development Administration, have been revised. Effective on publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (a) and subparagraphs (3) and (4) of paragraph (d) of § 213.3384 are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(14) Three Congressional Liaison Assistants.

* * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(3) One Director, Land and Facilities Development Administration.

(4) One General Deputy, Land and Facilities Development Administration.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–7989; Filed, July 21, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[33 CFR Part 84]

[CGFR 66-41]

TOWING OF BARGES

Length of Hawsers on Inland Waters

1. The Commandant, U.S. Coast Guard, will consider a proposal regarding the length of hawsers between towing vessels and barges while on Inland Waters and written comments submitted with respect thereto. This proposal is deemed to be in the public interest. Interested persons and organizations are requested to submit written comments about the proposal in this document which should be submitted in triplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, before September 1, 1966. It is desired that each comment set forth the section identification, the subject, the proposed change, the reason or basis for it, the business firm or organization (if any) and the name and address of the submitter. Each comment submitted will be considered and evaluated. After the rules and regulations are approved by the Commandant, they are published in the FEDERAL REGISTER as required by law.

2. The proposed change to 33 CFR 84.10 *Hawser length for all tows on inland waters* will revise the requirements in paragraph (a) (which are set forth below in this document) by removing from the proviso the restriction now applicable to outbound vessels. It is proposed to permit both inbound and outbound vessels (when subject to similar perils from weather in the same area) to lengthen their hawsers when necessary due to weather or sea conditions. The present text of 33 CFR 84.10(a) permits vessels entering waters under the Inland Rules to maintain whatever hawser length is necessary due to weather or sea conditions; but does not permit outbound vessels to operate under the same conditions.

3. The Pilot Rules for Inland Waters prescribed under section 157 of Title 33, U.S. Code, are in 33 CFR Part 80. The authority for regulations in 33 CFR Part 82 will be revised by deleting reference to 33 U.S.C. 157, and the provisions in 33 CFR 82.01(c) will be canceled regarding application of 33 U.S.C. 157 under regulations in 33 CFR Part 82 because the applicable regulatory provisions are now in 33 CFR Part 80.

4. The authority to prescribe rules and regulations regarding length of hawsers between towing vessels and seagoing barges in tow and length of such tows is in section 152 of Title 33, U.S. Code (sec. 14, act of May 28, 1908; 35 Stat. 482, as amended). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

5. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521), the actions as described in this document are proposed.

§ 84.01 [Amended]

6. It is proposed to amend 33 CFR 84.01 as follows: Section 84.01 *Application* is proposed to be amended by deleting paragraph (c).

7. It is proposed to amend 33 CFR 84.10(a) so that it will read as follows:

§ 84.10 Hawser lengths for all tows on inland waters.

(a) The length of hawsers between vessels shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit: *Provided*, That where, in the opinion of the master of the towing vessel, it is dangerous or inadvisable, whether on account of the state of weather or sea, to limit hawser lengths, the 450-foot limitation need not apply.

* * * * *

Dated: July 18, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-7998; Filed, July 21, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1031]

[Docket No. AO 170-A21]

MILK IN NORTHWESTERN INDIANA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Northwestern Indiana marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at South Bend, Ind., on July 14, 1966, pursuant to notice thereof which was issued July 6, 1966 (31 F.R. 9420).

The material issues on the record of the hearing relate to:

1. The percentage of total Class I disposition of fluid milk products which must be made in the marketing area on routes to qualify as a pool plant.

2. Whether an emergency exists with respect to issue No. 1 which requires the elimination of a recommended decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The percentage of total Class I disposition which must be in the form of route disposition in the marketing area to qualify a plant as a pool plant should be increased from 10 percent to 25 percent.

As a consequence of the termination of the Chicago milk order on May 1, 1966, seven plants became regulated as pool plants by the Northwestern Indiana milk order. This was because, although their principal sales area was the territory previously regulated by the Chicago milk order, their disposition in the Northwestern Indiana marketing area was also significant and qualified them as pool plants under this order. Three of the plants qualified because of their disposition on routes in the Northwestern Indiana marketing area and the four others qualified because 50 percent or more of their Grade A milk receipts was shipped to the plants making route disposition in the marketing area.

Each of the three distributing plants which qualify as pool plants under the order by reason of having 10 percent of Class I disposition on routes in the marketing area has less than 20 percent of its total Class I disposition in the area. The operator of one plant testified that his sales in the marketing area represented about 17 percent of total Class I disposition.

In their principal area of sales, the area formerly regulated by the Chicago order, these plants compete for sales with plants now regulated under the Milwaukee or Rock River Valley orders. They compete also with unregulated plants in their sales in the Chicago area.

Witnesses for the operators of the three distributing plants and the representative of the producers' cooperative which supplies all or the major part of the supply for each plant testified that they anticipate each of these plants would be regulated by the Milwaukee order if it is relieved of regulation under the Northwestern Indiana order. Since their principal area of sales is in competition with handlers regulated under that order and with handlers regulated by the Rock River Valley order their regulation under the Milwaukee order will assure that they pay the same minimum class prices as their competitors.

The Class I prices applicable at the five plants at which milk is received from producers are from 2 to 12 cents higher under the Northwestern Indiana order than prices applicable at these locations under the Milwaukee order. Official notice is taken of the mileage distances from Chicago for each of these plants as announced by the Chicago market administrator in May 1965 and of the Milwaukee and Rock River Valley orders. The Class I prices applicable at these locations under the respective orders in July 1966 were:

[Dollars per 100 pounds]

Location	Northwestern Indiana	Milwaukee	Rock River Valley
Fennimore, Wis.	$4.564	$4.54	$4.54
Woodstock, Ill.	4.788	4.68	4.68
Dixon, Ill.	4.724	4.64	4.68
Pearl City, Ill.	4.686	4.64	4.64
Hampshire, Ill.	4.804	4.68	4.68

Witnesses for other handlers and for producers supplying them testified in support of the proposal to increase the requirement for pool plant status which relates to the percentage of sales made in the marketing area.

Although the proponents testified that it is their intent that each of the plants relieved of full regulation by the Northwestern Indiana order will become regulated by the Milwaukee order, regulation under that order will depend on each plant's performance in relation to that market. The producer proponents and the handlers affected recognized the possibility that one or more of the affected plants might not be fully regulated under any order. If that occurred, such a plant would still be partially regulated under the Northwestern Indiana order. As a partially regulated plant, the operator would have the option of either making a payment on Class I sales made inside the marketing area at a rate equal to the difference between the Class I and blend prices or paying its own producers according to its use of milk based on Northwestern Indiana class prices.

The proposed requirement for pool plant qualification based on route sales in the marketing area equal to 25 percent of a plant's total Class I disposition will fully regulate only those handlers whose principal sales area is encompassed by the Northwestern Indiana marketing area. All handlers regulated prior to May 1, 1966, on the basis of their route disposition in the marketing area have at least 30 percent of their Class I sales in the area. The increased pooling requirement will remove from pool status those plants whose primary sales area for fluid milk products is in another area. By confining pool status to plants which dispose of 25 percent or more of their fluid sales in the Northwestern Indiana marketing area, orderly marketing will be achieved within this marketing area and appropriate partial regulation will apply to plants with relatively small sales in the area.

2. The recommended decision should not be omitted.

Proponents and handlers affected asked that the recommended decision be omitted and that the proposed change in pooling requirements be made effective July 1, 1966.

The substantive effect of the proposed change is to permit these affected plants to be regulated under an order which provides a lower Class I price at their respective locations. This difference in Class I prices has been known since May 1, 1966, when these plants became regulated under the Northwestern Indiana order. The price differences were not important to handlers, however, as long as they were voluntarily paying premiums in excess of Class I prices under both orders. With the higher prices established under the orders as of July 1, general premiums over the order prices have not applied to these plants. However, some premiums are paid at individual plants for certain quantities of milk.

The Class I price for the month of July was announced July 5 and all handlers have operated in the knowledge of that price. There is no urgent reason for revising that price retroactively.

There is adequate time prior to August 1 for the issuance of a recommended decision and the consideration of exceptions prior to reaching a final decision in this matter. Hence, this recommended decision is being issued.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Northwestern Indiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1031.10(a) the provision preceding the proviso is revised to read as follows:

§ 1031.10 Pool plant.

* * * * *

(a) A plant in which milk is processed or packaged and from which not less than 25 percent of its total disposition of Class I milk during the month either by the operator of such plant or by another person is made within the marketing area on a route(s):

* * * * *

Signed at Washington, D.C., on July 19, 1966.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-8063; Filed, July 21, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BAKERY PRODUCTS

Bread Standard; Lactylic Stearate as Optional Ingredient

Notice is given that a petition has been filed by the Paniplus Co., 3414 East 17th

Street, Kansas City, Mo. 64127, proposing that the standard of identity for bread be amended (21 CFR 17.1) by listing lactylic stearate as an optional ingredient in bread in an amount not to exceed 0.5 percent by weight of flour used. Grounds set forth in the petition to support the proposed amendment are that such use of lactylic stearate will aid in insuring uniformity of the body and crumb texture, grain cellular appearance, and oral tactile quality of the bread products.

Accordingly, it is proposed that § 17.1 (a)(15) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(15) Calcium stearyl-2-lactylate, lactylic stearate, sodium stearyl fumarate, succinylated monoglycerides, alone or in combination, complying with the provisions of §§ 121.1047, 121.1048, 121.1183, and 121.1195, respectively, of this chapter; but the quantity of each is not more than 0.5 part for each 100 parts by weight of flour used.

* * * * *

Because of cross-references, adoption of the proposed amendment to the standard for bread (§ 71.1) would have the effect of making lactylic stearate a permitted ingredient of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2–17.5).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: July 15, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8004; Filed, July 21, 1966; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

IMMIGRATION

Aliens Whose Employment Will Have an Adverse Effect; Proposed Deletion of Certain Occupational Titles

In order to give effect to further study and experience concerning the effect on the wages and working conditions of workers in the United States of the admission of aliens in the categories of employment described in Schedule B of 29 CFR Part 60, it is proposed, under the authority of section 212(a)(14) of the Immigration and Nationality Act of 1952 as amended by Public Law 89–236 (79 Stat. 911), to amend Schedule B by deleting the occupational titles listed below and the occupational definitions set out for each such title. The effect of this deletion would be to withdraw the decision expressed in 29 CFR 60.2(a)(2) that the determination and certification required by section 212(a)(14) of the Immigration and Nationality Act cannot now be made. Thus requests for certification not covered by Schedules A and B may be made pursuant to 29 CFR 60.3 by or on behalf of the categories of employment hereby proposed to be deleted. Interested persons may submit written data, views, or argument relating to this proposed deletion to the Secretary of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 10 days following publication of this notice in the FEDERAL REGISTER.

The occupational titles and definitions proposed to be deleted from Schedule B are the following:

Attendants, Parking Lot.
Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).
Automobile Service Station Attendants.
Cashiers II.
Chauffeurs and Taxicab Drivers.
Clerks (general office).
Counter and Fountain Workers.
Guards and Watchmen.
Housekeepers.
Launderers, Cleaners, Dyers, and Pressers.
Porters.
Sales Clerk, General.
Telephone Operators.
Truck Drivers and Tractor Drivers.
Typists, lesser skilled.
Waiters and Waitresses.

Signed at Washington, D.C., this 15th day of June 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-7974; Filed, July 21, 1966; 8:45 a.m.]

[41 CFR Part 50–201]

EXEMPTION OF CERTAIN SERVICE CONTRACTS FROM WALSH-HEALEY ACT

Notice of Proposed Rule Making

The McNamara-O'Hara Service Contract Act of 1965 (79 Stat. 1034) applies to contracts entered into by the United States or the District of Columbia the "principal purpose of which is to furnish services" through the use of "service employees," but exempts "work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act." The principal purpose of certain contracts may be such furnishing of services, yet because the furnishing of materials, supplies, articles or equipment in a substantial amount is called for by such a contract or is also a significant or independent purpose of the contract and the contract is in an amount which may exceed $10,000, the Walsh-Healey Public Contracts Act is applicable to the work performed by some employees on such contracts, and the McNamara-O'Hara Service Contract Act is applicable to the work performed by others. The result is that some service employees employed on contracts the principal purpose of which is to furnish services through the use of service employees do not come under the minimum wage requirements of the Service Contract Act. Fringe benefit payments are not required with respect to them. More protracted procedures and a different standard are applicable to determination of the wages they must be paid.

There appear to be good reasons why the McNamara-O'Hara Act and that Act only should apply to all employees engaged in performing work on contracts such as those described above. This would reduce the expense of Government contract administration, eliminate the need for determining, on a contract-by-contract basis, the identity of the contract workers who are subject to each Act, and simplify the recordkeeping required of Government contractors. In addition, it would further the policy of the McNamara-O'Hara Act if all service employees working on contracts of the type in question were afforded the protection of the prevailing wage and fringe benefit provisions of that Act. Such employees would still have the protection of safety and health standards, since both Acts provide for this protection. There would not be any substantial withdrawal of child labor and overtime pay protections, because the Fair Labor Standards Act and Contract Work Hours Standards Act would still apply to all such employees who come within their terms.

Accordingly, I propose to exempt from the provisions of the Walsh-Healey Public Contracts Act those contracts which have as their principal purpose the furnishing of services through the use of service employees, as defined in the McNamara-O'Hara Service Contract Act, and which are not exempted from the latter Act. As a result of this action, standards provided by the McNamara-O'Hara Service Contract Act will apply to the exempted employees.

Now, therefore, pursuant to authority contained in section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35–45), notice is hereby given that I propose to amend 41 CFR

Part 50–201 by amending § 50–201.603 to include a new paragraph (e) to read as follows:

§ 50–201.603 Full administrative exemptions.

* * * * *

(e) Contracts the principal purpose of which is the furnishing of services through the use of service employees, as defined in the McNamara-O'Hara Service Contract Act of 1965, and to which such Act applies.

Intereseted persons may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit data, views, or argument in writing to the Office of the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, relative to the proposed amendment.

Signed at Washington, D.C., this 15th day of July 1966.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66–7981; Filed, July 21, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 246; Delegation of Authority 85–11A–2]

PEACE CORPS

Delegation of Authority

By virtue of the authority vested in me by Executive Order No. 11041 of August 6, 1962 (27 F.R. 7859), as amended (30 F.R. 13003), Executive Order No. 11250 of October 10, 1965 (30 F.R. 13003), the Peace Corps Act (75 Stat. 612), as amended, section 4 of the Act of May 26, 1949 (63 Stat. 111), and as Acting Secretary of State, it is ordered that Delegation of Authority No. 85–11–A of August 29, 1962 (27 F.R. 9074), as amended (28 F.R. 11512), is further amended as follows:

(I) By adding to section 2(a) new paragraphs (7) and (8) as follows:

(7) The functions conferred upon the Secretary of State as the head of a department by the Government Employees Training Act (5 U.S.C. 2301 et seq.) to the extent that they relate to functions under the Act delegated to or vested in the Director.

(8) The functions conferred upon the Secretary of State as the head of an agency by the Military Personnel and Civilian Employees Claims Act of 1964 (31 U.S.C. 240 et seq.) to the extent that they relate to functions under the Act delegated to or vested in the Director.

(II) By striking out "7(c)(2)" in section 2(b) and substituting therefor "7(a)(2)".

(III) By striking out subsections 2(b)(1) and renumbering subsections 2(b)(2), (3), (4), and (5) as subsections 2(b)(1), (2), (3), and (4), respectively.

(IV) By striking out "7(c)(1)" in section 2(c) and substituting therefor "7(a)(1)".

(V) By striking out subsection (a) in section 4 and relettering subsections (b) and (c) as (a) and (b), respectively.

This amendment shall be deemed to have become effective as of August 24, 1965.

Dated: July 8, 1966.

[SEAL] GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 66–7977; Filed, July 21, 1966; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA, ARIZONA, NEVADA, AND WASHINGTON

Proposed Classification of Public Lands

Notice is hereby given that it is proposed to classify, pursuant to section 3 of the act of August 31, 1964 (78 Stat. 751; 43 U.S.C. 254), the public lands described below for disposal in satisfaction of valid scrip rights. This publication is made pursuant to section 2 of the act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1412). For a period of 60 days from the date of this publication, interested parties may submit comments to the Director, Bureau of Land Management, Washington, D.C. 20240.

Proposed regulations (43 CFR 2221.01—2221.2–4) governing selection of classified lands were published May 12, 1966 (31 F.R. 6985). As stated therein, scrip claimants may submit recommendations of areas to be classified for satisfaction of claims, specifying the type of claim for which the land should be classified. Recommendations should be sent to the State Director, Bureau of Land Management, of the State in which the recommended lands are located (see 43 CFR 1821.2–1).

The lands affected by this proposal are described as follows:

For satisfaction of Valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection Claims:

CALIFORNIA

HUMBOLDT MERIDIAN

T. 11 N., R. 2 E.,
Sec. 26, NW¼SW¼.
T. 3 N., R. 3 E.,
Sec. 10, SW¼NW¼, NW¼SE¼, SW¼SE¼.
T. 7 N., R. 3 E.,
Sec. 10, SE¼NW¼.
T. 10 N., R. 3 E.,
Sec. 21, SW¼SW¼;
Sec. 31, NE¼NE¼.
T. 12 N., R. 3 E.,
Sec. 28, NE¼NE¼.
T. 1 N., R. 4 E.,
Sec. 12, NE¼NW¼.
T. 4 N., R. 4 E.,
Sec. 22, SW¼SW¼.
T. 2 S., R. 5 E.,
Sec. 3, NE¼NE¼.

MOUNT DIABLO MERIDIAN

T. 16 N., R. 7 E.,
Sec. 23, E½E½NW¼NW¼;
Sec. 24, SE¼NW¼.
T. 15 N., R. 8 E.,
Sec. 1, lots 7, 10(a), 10(b), 11(a), 11(b), 22, 23, 25, 26, 27, 29, 30, 31, 32, 36, 37, 38;
Sec. 2, lots 13, 14(a), 14(b), 16, and portion of lot 59;
Sec. 3, lots 11, 28, 29, and 30;
Sec. 6, lots 1 and 20;
Sec. 11, lot 22.
T. 16 N., R. 8 E.,
Sec. 1, lots 7 and 8;
Sec. 2, Mt. Auburn Lode, and lots 5, 9, and 25;
Sec. 4, lot 3;
Sec. 6, SE¼SE¼, SE¼SW¼, and lot 7;
Sec. 9, lot 222 (por.);
Sec. 10, lots 3, 4, and 221, 222, and S½NE¼;
Sec. 12, lot 1 (por.), lots 7, 17, and 94;
Sec. 13, lots 4, 13, 17, and 23;
Sec. 14, SW¼NW¼ (except M.S. 6186);
Sec. 19, S½NE¼;

CALIFORNIA—Continued

MOUNT DIABLO MERIDIAN

Sec. 21, lots 2, 3, and 4, M.S. 4022, NW¼NE¼NW¼NW¼, and N½NW¼NW¼NW¼;
Sec. 22, lots 8, 9, and 114;
Sec. 23, lots 45 and 67;
Sec. 26, lots 1, 2, 19, 20, 22, and 45;
Sec. 27, lots 3 and 8;
Sec. 29, lots 1 to 11, incl.;
Sec. 28, lot 6 (por.);
Sec. 31, lot 190, NW¼SE¼SE¼, N½NE¼SE¼SE¼, N½SW¼SE¼SE¼, and SE¼SE¼SE¼;
Sec. 32, W½SW¼SW¼;
Sec. 33, lots 11 and 15;
Sec. 35, lots 7 and 9.
T. 17 N., R. 8 E.,
Sec. 20, S½SE¼NE¼, and N½NW¼SE¼;
Sec. 33, lot 1.
T. 11 N., R. 9 E.,
Sec. 12, NW¼SE¼NW¼.
T. 13 N., R. 9 E.,
Sec. 23, lot 41.
T. 15 N., R. 9 E.,
Sec. 33, lot 51.
T. 16 N., R. 9 E.,
Sec. 6, lot 5;
Sec. 7, lot 12;
Sec. 17, lots 20, 21, 24, 25, 28, and 29;
Sec. 18, lots 12, 64, and 65;
Sec. 19, lot 6, and NE¼SW¼ (except M.S. 5117).
T. 17 N., R. 9 E.,
Sec. 32, SE¼NW¼SE¼ and lot 3.
T. 10 N., R. 10 E.,
Sec. 4, lots 5 and 7;
Sec. 21, lot 38;
Sec. 22, lot 38, SW¼SW¼;
Sec. 27, "Jersey Q.M.", lot 49.
T. 13 N., R. 10 E.,
Sec. 4, lot 32, lots 36 to 41, incl., and SW¼SW¼;
Sec. 5, lots 9, 11, 12;
Sec. 6, lots 17 and 57.
T. 11 N., R. 10 E.,
Sec. 11, lot 15;
Sec. 12, lots 1, 5, 7, 75, and N½NW¼ less W½SW¼NW¼NW¼;
Sec. 14, lot 12 (a.k.a. lot 4);
Sec. 15, lot 54;
Sec. 23, lots 1, 2, 3, and SE¼NE¼;
Sec. 24, lots 9 and 10;
Sec. 33, E½NE¼SE¼NW¼.
T. 12 N., R. 10 E.,
Sec. 1, lot 1 (except M.S. 6312), lot 2 (except M.S. 6312), SW¼NE¼ (except M.S. 6312);
Sec. 2, lot 4, and portion of SW¼NW¼;
Sec. 27, lot 3.
T. 15 N., R. 10 E.,
Sec. 3, lot 4 in W½NW¼, lot 4 in E½NW¼, lot 5;
Sec. 4, lots 4 and 19.
T. 25 S., R. 36 E.,
Sec. 21, SW¼NE¼, NE¼SW¼.
T. 32 S., R. 38 E.,
Sec. 20, W½.
T. 32 N., R. 5 W.,
Sec. 12, NE¼SW¼;
Sec. 14, SW¼NW¼NE¼, SW¼NE¼SW¼, W½SE¼SW¼NE¼, N½NE¼SW¼NW¼SW¼, W½SW¼NW¼SW¼, W½NW¼NW¼SW¼SW¼, W½NE¼NE¼SE¼, W½SW¼NE¼SE¼, NE¼NW¼SE¼, S½S½SE¼NW¼SE¼, lots 8, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26.

SAN BERNARDINO MERIDIAN

T. 5 S., R. 7 E.,
Sec. 6, NW¼SW¼SE¼, E½SW¼SW¼SE¼, W½E½SW¼SE¼.

CALIFORNIA—Continued
SAN BERNARDINO MERIDIAN—Continued

T. 8 S., R. 10 E.,
Sec. 12, N½NW, SE¼NW¼, SE¼.
T. 8 S., R. 11 E.,
Sec. 6, lot 1 of SW¼, lot 2 of SW¼, lot 2 of NW¼, lot 2 of NE¼, S½SE¼, NE¼SE¼NW¼SE¼;
Sec. 18, lot 2 of NW¼, lot 1 of NW¼, S½SE¼, NE¼SE¼, NW¼SE¼;
Sec. 20, SW¼NW¼SE¼NW¼, NE¼, N½NW¼, N½SE¼.
T. 9 N., R. 1 W.,
Sec. 30, N½ and SW¼.
T. 9 N., R. 2 W.,
Sec. 10, SE¼SW¼SW¼, W½W½SE¼SW¼, SE¼SE¼SW¼, E½E½SW¼SE¼;
Sec. 11, lots 43, 49, 75, 76, 84, 87, 111, and 113;
Sec. 12, N½S½SW¼NW¼, lots 34, 37, 38, 43, 44, 45, 46, 49, 50, 52, 54, 55, 56, 57, 77, 81, 82, 83, 84, 100, 101, 102, 103, 115, 116, 132, 133, 134, 155, 171, 172, 173, 177, 181, 183, 184, 201, 202, 207, 208, 211, 216, 218, 232, 234, 238, 243, 268, 272, 282, 311, 314.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 3 E.,
Sec. 3, lots 3 and 4, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 4, lots 1 to 10, incl., S½SE¼, SW¼, S½NW¼.
T. 5 N., R. 4 E.,
Sec. 6, SW¼, N½NE¼, SW¼NE¼, N½NW¼;
Sec. 7, lot 1;
Sec. 9, SW¼;
Sec. 20, SE¼.
T. 1 N., R. 8 E.,
Sec. 2, lots 2 and 3, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 3, lots 23 to 32, incl., 35 to 38, incl., 42 to 54, incl., 56, 57, and 59 to 65, incl., 67 to 77, incl., 80 to 86, incl., 95 to 140, incl., 144 to 149, incl., 152 to 158, incl., 160 to 168, incl., 171 to 177, incl., 179 to 183, incl., 185 to 187, incl., 189 to 194, incl., 199 to 200, incl., 203 to 212, incl., and NW¼NE¼;
Sec. 8, SE¼, S½SW¼;
Sec. 9, S½, SE¼NE¼;
Sec. 11, E½E½SW¼;
Sec. 14, NE¼;
Sec. 27, NE¼NW¼SE¼, S½NE¼SW¼SE¼;
Sec. 36, S½SE¼, NE¼NW¼SE¼, NE¼NE¼SW¼NW¼, NW¼NW¼SE¼NW¼;
S½N½SW¼NW¼, N½SE¼SW¼NW¼, N½S½SE¼NW¼, S½NW¼SE¼NW¼, N½NE¼SE¼NW¼.
T. 12 S., R. 13 E.,
Sec. 19, lots 3 and 4, E½SW¼, SE¼.
T. 14 S., R. 13 E.,
Sec. 33, SW¼NW¼.
T. 15 S., R. 15 E.,
Sec. 15, S½SW¼, NW¼SW¼.
T. 14 N., R. 2 W.,
Sec. 3, W½SW¼;
Sec. 4, S½;
Sec. 9, N½, SW¼SW¼, N½S½;
Sec. 10, W½NW¼.

NEVADA

MOUNT DIABLO MERIDIAN

T. 14 N., R. 19 E.,
Sec. 1, SE¼NE¼, E½SE¼.
T. 18 N., R. 19 E.,
Sec. 24, W½SE¼;
Sec. 26, E½SW¼NW¼SW¼, W½SE¼SW¼, W½SE¼SE¼SW¼, W½NE¼NW¼SE¼, W½W½NW¼SE¼, W½SE¼SW¼SE¼, N½NE¼SE¼SE¼;
Sec. 36, SE¼NW¼ and NE¼SW¼.

NEVADA—Continued
MOUNT DIABLO MERIDIAN—Continued

T. 14 N., R. 20 E.,
Sec. 6, W½W½SE¼NE¼;
Sec. 7, NW¼NE¼, E½NE¼NW¼, SW¼NE¼NW¼, W½NW¼NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, N½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼, lot 2 of SW¼.
T. 15 N., R. 20 E.,
Sec. 14, NE¼, E½SE¼, E½W½SE¼;
Sec. 23, S½N½NW¼NE¼, E½NW¼NE¼NE¼, W½NE¼NE¼NE¼, SW¼NE¼NE¼NE¼, SE¼NE¼NE¼, W½SW¼NE¼NE¼, E½NE¼SE¼NE¼, S½NW¼SE¼NE¼, NE¼NW¼SE¼NE¼, SE¼SE¼NE¼, N½SW¼SE¼NE¼, NE¼NW¼SE¼SE¼, E½SE¼NW¼SE¼, W½SW¼NW¼SE¼, SW¼NW¼NW¼SE¼, NE¼NE¼SW¼SE¼, NE¼NW¼SW¼SE¼, E½SE¼SW¼SE¼, SW¼SE¼SW¼SE¼.
T. 17 N., R. 20 E.,
Sec. 18, SE¼NE¼SW¼, E½SW¼NE¼SW¼, N½N½SW¼, SW¼NW¼SW¼, W½SE¼NW¼SW¼, NE¼SE¼SW¼, N½SW¼SE¼SW¼, E½NE¼NW¼SE¼, E½NW¼NW¼SE¼, S½NW¼SE¼, NE¼SW¼SE¼, S½SW¼SE¼.
T. 18 N., R. 20 E.,
Sec. 34, E½NW¼SE¼NE¼, S½SE¼NE¼, E½NW¼SW¼NW¼, W½SE¼SW¼NW¼, N½N½NE¼SE¼, N½SW¼NE¼SE¼, S½SE¼NE¼SE¼, E½E½SE¼SW¼SE¼, NE¼NE¼SE¼SE¼, W½SE¼SE¼, S½SE¼SE¼SE¼.
T. 19 N., R. 20 E.,
Sec. 34, SE¼SW¼NE¼, S½NE¼SW¼NE¼, NE¼NE¼SW¼NE¼, E½NW¼NE¼SW¼NE¼, S½NW¼SW¼NE¼, NW¼NW¼SW¼NE¼, W½NE¼NW¼SW¼NE¼, S½SW¼SW¼NE¼, NW¼SW¼SW¼NE¼, W½NE¼SW¼SW¼NE¼.
T. 20 N., R. 20 E.,
Sec. 26, E½SW¼, E½NW¼SW¼.
T. 13 N., R. 21 E.,
Sec. 20, S½;
Sec. 21, W½;
Sec. 29, N½NE¼, SE¼NE¼;
Sec. 32, E½, N½NW¼;
Sec. 33, E½;
Sec. 34, W½.
T. 10 N., R. 22 E.,
Sec. 29, N½NW¼NW¼, W½SW¼NW¼NW¼.
T. 22 S., R. 61 E.,
Sec. 22, N½NE¼NE¼NE¼, S½SE¼NE¼NE¼, SE¼SW¼NE¼NE¼, N½NE¼SE¼NE¼, SE¼NE¼SE¼NE¼, SE¼NW¼SE¼NE¼, S½NE¼SW¼NE¼, SE¼SW¼NE¼, S½SE¼NE¼, NE¼NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, NW¼NW¼NE¼SE¼, S½NW¼NE¼SE¼, SW¼SW¼NE¼SE¼, NE¼NE¼NW¼SE¼, E½NW¼NW¼SE¼, NE¼SE¼NW¼SE¼, S½SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼NW¼SW¼SE¼, S½NW¼SW¼SE¼, N½SW¼SW¼SE, SE¼SW¼SW¼SE¼, S½SE¼SW¼SE¼, W½SW¼SE¼SE¼;
Sec. 23, W½NE¼NE¼NW¼, SE¼NE¼NE¼NW¼, E½NW¼NE¼NW¼, NW¼NW¼NE¼NW¼, W½SW¼NE¼NW¼, NE¼NE¼NW¼NW¼, SE¼SE¼NW¼NW¼, SW¼NW¼NW¼NW¼, NE¼NE¼SW¼NW¼, SW¼NE¼SW¼NW¼, E½NW¼SW¼NW¼, SW¼NW¼SW¼NW¼, E½SW¼SW¼NW¼, NW¼SE¼SW¼NW¼, NW¼SE¼SW¼NW¼, SE¼SW¼SW¼NW¼, NW¼NW¼SW¼NW¼, S½NW¼SW¼SE¼, N½SW¼SW¼SE¼NW¼, NE¼SE¼SE¼NW¼, S½SE¼SE¼NW¼;
Sec. 27, NW¼NE¼NE¼NE¼, NW¼NE¼NE¼, N½SW¼NE¼NE¼, NW¼NW¼NW¼NE¼, SW¼NE¼NW¼NE¼, NW¼NW¼SW¼NE¼, S½NW¼NE¼, NW¼NW¼NE¼NW¼, S½SW¼NE¼NW¼.

WASHINGTON

WILLAMETTE MERIDIAN

T. 36 N., R. 1 E.,
Sec. 31, lot 2.
T. 3 N., R. 5 E.,
Sec. 29, SW¼.
T. 31 N., R. 6 E.,
Sec. 27, NE¼NW¼.
T. 2 N., R. 7 E.,
Sec. 10, NW¼NW¼, NW¼SW¼.
T. 3 N., R. 7 E.,
Sec. 28, lot 3.
T. 21 N., R. 7 E.,
Sec. 14, SW¼SW¼.
T. 12 N., R. 8 E.,
Sec. 12, SE¼NE¼SW¼SW¼, E½SW¼SW¼SW¼, SE¼SW¼SW¼.
T. 13 N., R. 9 E.,
Sec. 10, lot 3;
Sec. 20, lot 8;
Sec. 28, lot 2.
T. 23 N., R. 9 E.,
Sec. 6, N½SE¼;
Sec. 29, lots 3 to 6, incl.;
Sec. 33, lots 6, 10, 11.
T. 34 N., R. 10 E.,
Sec. 2, E½SE¼SE¼.
T. 15 N., R. 1 W.,
Sec. 15, lot 5.
T. 30 N., R. 1 W.,
Sec. 28, lot 13.
T. 30 N., R. 9 W.,
Sec. 7, lot 15.
T. 28 N., R. 14 W.,
Sec. 30, NW¼SE¼.
T. 28 N., R. 15 W.,
Sec. 25, lots 5 and 7.

The areas described aggregate approximately 14,023.51 acres.

For Satisfaction of Valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair and Forest Lieu Claims:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 9 N., R. 1 E.,
Sec. 11, N½S½.
T. 9 N., R. 2 E.,
Sec. 10, SE¼NE¼, NE¼SE¼;
Sec. 11, NW¼NW¼, S½NW¼, N½SW¼;
Sec. 19, S½NE¼.
T. 10 N., R. 2 E.,
Sec. 34, SE¼.
T. 9 N., R. 3 E.,
Sec. 3, W½ of lot 2;
Sec. 8, SE¼NW¼;
Sec. 18, N½ of lots 1 and 2, and E½SW¼;
Sec. 20, S½SW¼;
Sec. 35, S½SE¼.
T. 9 N., R. 4 E.,
Sec. 19, lots 1 and 2, and W½SE¼;
Sec. 30, lot 2.
T. 7 N., R. 9 E.,
Sec. 9, S½SE¼SW¼.
T. 5 N., R. 10 E.,
Sec. 16, NW¼SW¼.
T. 7 N., R. 10 E.,
Sec. 14, lots 3, 4, 13, 15, and 16.
T. 7 N., R. 11 E.,
Sec. 22, NE¼SE¼.
T. 3 N., R. 13 E.,
Sec. 12, NE¼SW¼.
T. 2 N., R. 14 E.,
Sec. 21, N½NE¼.
T. 3 N., R. 14 E.,
Sec. 7, lot 4, SE¼SW¼.
T. 8 S., R. 8 E.,
Sec. 16, NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 22;
Sec. 26, SE¼SW¼NE¼SW¼, NW¼SW¼SW¼SW¼, N½ and SE¼.
T. 13 S., R. 12 E.,
Sec. 25, SW¼SE¼.
T. 23 S., R. 20 E.,
Sec. 34, lots 2, 3, 5.
T. 17 S., R. 21 E.,
Sec. 33, lot 4.

CALIFORNIA—Continued
MOUNT DIABLO MERIDIAN—Continued

T. 25 S., R. 21 E.,
Sec. 8, fractional NE¼SW¼, fractional W½SE¼, SE¼SW¼.
T. 26 S., R. 21 E.,
Sec. 2, lot 1 of NE¼.
T. 30 S., R. 23 E.,
Sec. 4, lot 1 of NW¼, lot 2 of NW¼ and S½.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 11 W.,
Sec. 17, N½N½, S½;
Sec. 18, SE¼;
Sec. 20, E½, SW¼;
Sec. 29.
T. 4 N., R. 19 W.,
Sec. 20, SW¼NW¼, SW¼SE¼NW¼;
Sec. 27, SW¼SW¼;
Sec. 28, SE¼SE¼.
T. 9 S., R. 22 W.,
Sec. 12, SE¼SW¼;
Sec. 13;
Sec. 14, NE¼NE¼, S½NE¼, NW¼NW¼, S½.

WASHINGTON

WILLAMETTE MERIDIAN

T. 8 N., R. 29 E.,
Sec. 6, lots 1 to 5, incl., and SE¼SW¼.

The areas described aggregate approximately 7,750.17 acres.

JOHN O. CROW,
Acting Director.

JULY 15, 1966.

[F.R. Doc. 66-7973; Filed, July 21, 1966; 8:45 a.m.]

Office of the Solicitor

[Solicitor's Reg. 26]

ASSOCIATE SOLICITOR—TERRITORIES, WILDLIFE AND CLAIMS, ET AL.

Delegation of Authority Regarding Employees' Claims

JULY 18, 1966.

The Associate Solicitor—Territories, Wildlife and Claims and each Regional and Field Solicitor may determine and settle employee claims pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767, 31 U.S.C. secs. 240–242) and the provisions of 451 DM 3.

(210 DM 2 A(10), 31 F.R. 9610; 210 DM 2.3, 24 F.R. 1349)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 66-7975; Filed, July 21, 1966; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has applied for amendment of its Operating-Differential Subsidy Agreement, Contract No. FMB–87 to permit calls at Spanish ports on the Bay of Biscay with freight ships operating on its Line B (U.S. North Atlantic/Mediterranean) and Line F (Round-the-World, Eastbound) services. The applicant advises it is requesting a maximum of 30 sailings annually at Bay of Biscay ports.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on August 5, 1966, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vesels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 19, 1966.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-7984; Filed, July 21, 1966; 8:46 a.m.]

[Report 6]

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JAN. 25, 1966

SECTION 1. The President has approved a policy of denying U.S. Government-financed cargoes shipped from the United States to foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate U.S. Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through July 14, 1966. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at U.S. ports.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross Tonnage*
British:	
Ardtara	5,795
Greenford	2,964
Isabel Erica	7,105
Milford	1,889
Santa Granda	7,229
Shienfoon	7,127
Shirley Christine	6,724
Cypriot:	
Acme	7,173
*Amfitriti	7,147
Amon	7,229
*Antonia II	7,303
Greek:	
Agenor	7,139
Alkon	7,150
Maltese:	
*Amalia	7,304
Polish:	
*Andrzej Strug	6,919
Beniowski	10,443
Djakarta	6,915
*General Sikorski	6,785
Hanka Sawicka	6,944
Jozef Conrad	8,730
Kochanowski	8,231
*Lelewel	7,817
Stefan Okrezja	6,620
*Wladyslaw Broniewski	6,919

*Added to Rept. No. 5, appearing in the FEDERAL REGISTER issue of June 21, 1966.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the North Vietnam trade so long as it remains the policy of the U.S. Government to discourage such trade and;

(b) That no other vessels under their control will thenceforth be employed in the North Vietnam trade, except as provided in paragraph (c) and;

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
a. Since last report:	
British (1 ship):	
Wakasa Bay	7,044
b. Previous reports: None.	

Dated: July 15, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-7985; Filed, July 21, 1966; 8:46 a.m.]

[Report 74]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through July 12, 1966, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (253 ships)	1,802,424
British (73 ships)	545,604
**Agate (trips to Cuba under ex-name, Dairen—British).	
**Amalia (now Maltese).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
**Ardmore (now Kali Elpis—British)	4,664
**Ardpatrick (now Pakistani)	7,054
Ardrossmore	5,820
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British).	
Athelcrown (tanker)	11,149
Athelduke (tanker)	9,089
Athelknight (tanker)	9,087
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
**Athelsultan (tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British).	
**Dairen (now Agate—British)	4,939
**East Breeze (now Phoenician Dawn—British.	
Eastfortune	8,789
Elicos	7,134
Formentor	8,424
Fortune Enterprise	7,284
**Free Enterprise (now Cypriot).	
**Free Merchant (now Cypriot).	
**Garthdale (now Jeb Lee—British)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
Inchstuart	7,043
Ivy Fair (now Cosmo Trader—British—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British).	
Jollity	8,660
**Kali Elpis (trips to Cuba under ex-name, Ardmore—British).	
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot).	
**Newforest (now Cypriot).	
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot).	
Newmoat	7,151
Newmoor	7,168
Nils Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (previous trips to Cuba under ex-name, East Breeze—British)	8,708
**Redbrook (now E. Evangelia—Greek)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	8,941
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Soclyve (now Maltese).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British)	9,662
Stanwear	8,108
Suva Breeze (now Cathay Trader—Panamanian)	4,970
**Swift River (now Kallithea—Cypriot).	
**Timios Stavros (now Maltese flag—previous trips to Cuba—Greek).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Zela M.	7,237
Lebanese (55 ships)	374,134
Aiolos II	7,256
Ais Giannis	6,997
**Akamas (now Cypriot).	
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
**Carnation (sold Spanish breakers)	4,884
Claire	5,411
Cris	6,032
Dimos	7,187
**E. Myrtidiotissa (aground, Trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese).	
**Free Trader (now Cypriot).	
Georgios M. II	5,028
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese)	5,103
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
**Maria Despina (broken in two)	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German shipbreakers)	4,383
Mersinidi	6,782
Mousse	9,307
Nictric	7,296
Noelie	7,251
**Noemi (aground)	7,070
Olga (now Greek)	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
**Reneka (now San Carlo—Panamanian flag)	7,250
Rio	7,194
**St. Anthony (broken up)	5,349
St. Nicolas	7,165
San Spyridon	7,260
**Sheik Boutros (trips to Cuba under ex-name, Cavtat—Yugoslav).	
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	6,426
Troyan	7,243
Vassiliki	7,192
Vastric	6,751
Vergolivada	6,339
Yanxilas	10,051
Greek (35 ships)	261,119
Agios Therapon	5,617
**Akastos (now Cypriot).	
Alice	7,189
**Ambassade (sold Hongkong shipbreakers)	8,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek)	6,712
**Antonia (now Amfithea—Cypriot).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken-up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British).	
Eftychia	10,865
**Flora M. (now Liberian)	7,244
**Gloria (now Helen—Greek).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek)	7,128
Irena	7,232
Istros II	7,275
**Kapetan Kostis (broken up)	5,032
**Kyra Hariklia (broken up)	6,888
**Maria Theresa (now Ingrid Anne—South African)	7,245
**Marigo (now Amfitriti—Cypriot)	7,147
**Maroudio (now Thalie—Panamanian)	7,369

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

Flag of Registry and Name of Ship	Gross Tonnage
Greek—Continued	
**Mastro-Stelios II (now Wendy H.—South African)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek).	
Nikolis M	7,176
**Ogla (trips to Cuba—Lebanese).	
**Pamit (now Bambero—Liberian)	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek).	
**Presvia (broken up)	10,820
Redestos	5,911
Roula Maria (tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot)	7,303
**Timios Stavros (formerly British flag—Now Maltese).	
Tina	7,362
Western Trader	9,268
Polish (18 ships)	136,680
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorzow	7,237
Energetyk	10,843
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Cypriot (19 ships)	129,385
Acme	7,159
Adelphos Petrakis	7,170
**Akamas (previous trips to Cuba—Lebanese)	7,285
**Akastos (previous trip to Cuba—Greek)	7,331
**Aktor (sunk)	6,993
Amfiali	7,110
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek)	5,171
**Amfitriti (trip to Cuba under ex-name, Marigo—Greek).	
*Amon	7,229
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek).	
Artemida	7,247
El Toro	5,949
**Free Enterprise (previous trips to Cuba—British)	6,807
**Free Merchant (previous trips to Cuba—British)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British)	7,181
**Free Trader (previous trips to Cuba—Lebanese)	7,067
**Kallithea (previous trips to Cuba under ex-name, Swift River—British)	7,251
Cypriot—Continued	
**Newforest (previous trips to Cuba—British)	7,185
**Newgrove (previous trips to Cuba—British and Haitian)	7,172
**Newmeadow (previous trips to Cuba—British)	5,654
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek)	7,187
Italian (15 ships)	123,058
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (tanker—broken up)	10,440
Aspromonte	7,154
Caprera	7,189
Elia (tanker)	11,377
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,519
**Graziella Zeta (trips to Cuba under ex-name, Montiron—Italian).	
**Mariasusanna (now Geremia—Italian).	
**Montiron (now Graziella Zeta—Italian)	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese)	3,352
Yugoslav (9 ships)	60,800
Bar	7,233
**Cavtat (now Sheik Boutros—Lebanese)	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Plod	3,657
Promina	6,960
Trebisnjica (wrecked)	7,145
French (8 ships)	41,476
Arsinoe (tanker—sunk)	10,426
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
**Neve (now Drameoumar—Guinean)	852
Senanque (tanker)	14,659
Moroccan (5 ships)	35,828
Atlas	10,392
**Banora (sunk)	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,156
**St. Antonio (broken up, previous trip to Cuba—British)	6,704
**Soclyve (previous trips to Cuba—British)	7,291
Maltese—Continued	
**Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Finnish (4 ships)	32,919
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,002
Ole Bratt	5,252
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish)	2,828
**Dagmar (now Bali Mariner—Panamanian)	6,490
Monaco (1 ship)	7,314
Saint Lys	7,314

Guinean:
**Drameoumar (trip to Cuba under ex-name, Neve—French).
Haitian:
**Newgrove (now Cypriot).
Liberian:
**Bambero (trips to Cuba under ex-name, Pamit—Greek).
**Flora M. (trips to Cuba—Greek).
Nationalist Chinese:
**Chenchang (trip to Cuba under ex-name, Somalia—Italian).
Pakistani:
**Ardpatrick (trip to Cuba—British).
Panamanian:
**Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish).
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).
**Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).
**San Carlo (trip to Cuba under ex-name, Reneka—Lebanese).
**Thalie (trip to Cuba under ex-name, Maroudio—Greek).
South African:
**Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek).
**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).

*Added to Report No. 73, appearing in the FEDERAL REGISTER issue of June 29, 1966.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Gross tonnage
a. Since last report:	
None	

b. Previous reports:	Number of ships
Flag of registry (total)	95
British	39
Cypriot	2
Danish	1
Finnish	2
French	1
German (West)	1
Greek	25
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	5
Norwegian	4
Spanish	6
Swedish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through July 12, 1966.

Flag of registry	Number of trips										
	1963	1964	1965	1966							Total
				Jan.	Feb.	Mar.	Apr.	May	June	July	
British	133	180	126	5	11	11	11	13	6	1	497
Lebanese	64	91	58	3	3	4	5	2			230
Greek	99	27	23	3	2	2	3	1	4		164
Italian	16	20	24	2			2	2			66
Yugoslav	12	11	15		2	1	2	1			44
Cypriot		1	17	1	6	4	2	1	3		35
French	8	9	9					1			27
Spanish	8	17									25
Norwegian	14	10									24
Moroccan	9	13	1								23
Finnish	1	4	5	1	2		2	1			16
Maltese		2	6	1							9
Netherlands		4	2								6
Swedish	3	3									6
Kuwaiti		2	1								3
Israeli			2								2
Danish	1										1
German (West)	1										1
Haitian			1								1
Japanese	1										1
Monaco					1						1
Subtotal	370	394	290	16	27	22	27	22	13	1	1,182
Polish	18	16	12		2	1	1	1	1	1	53
Grand total	388	410	302	16	29	23	28	23	14	2	1,235

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data become available.

Dated: July 14, 1966.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON Jr.,
Secretary.

[F.R. Doc. 66-7986; Filed, July 21, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BLUE CHANNEL CORP.

Notice of Withdrawal of Petition for Food Additive Sodium Nitrite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), the Blue Channel Corp., Port Royal, S.C. 29935, has withdrawn its petition (FAP 6A1829), notice of which was published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11182), proposing an amendment to § 121.1064 *Sodium nitrite* to provide for the safe use of sodium nitrite as a preservative and color fixative in canned crabmeat at a level not to exceed 250 parts per million.

The withdrawal of this petition is without prejudice to a future filing.

Dated: July 15, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8002; Filed, July 21, 1966; 8:48 a.m.]

E. I. du PONT de NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 6F0510) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of a tolerance of 0.2 part per million for residues of the herbicide 3-*tert*-butyl-5-chloro-6-methyluracil in or on the raw agricultural commodities apples, citrus fruits, peaches, pears, and sugarcane.

The analytical method proposed in the petition for determining residues of the herbicide is that of H. L. Pease, Journal of Agricultural and Food Chemistry, vol. 14 (January/February 1966), pp. 94–96.

Dated: July 15, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8003; Filed, July 21, 1966; 8:48 a.m.]

NEW DRUGS

Notice of Approval of Applications

Correction

In F.R. Doc. 66-7883, appearing at page 9812 of the issue for Wednesday, July 20, 1966, the entry in the "Trade name" column of the tabular matter which begins with "2K Nesacaine * * *" should begin with "2% Nesacaine * * *".

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

The School District of Kansas City, Mo., Board of Education Building, 1211 McGee Street, Kansas City, Mo., File No. 150 to improve the facilities of noncommercial educational television station KCSD, Channel 19, Kansas City, Mo.

The Greater Cincinnati Television Educational Foundation, 2222 Chickasaw Street, Cincinnati, Ohio, File No. 151 to expand the facilities of noncommercial educational television station WCET, Channel 48, Cincinnati, Ohio.

Educational Television Association of Metropolitan Cleveland, 4600 Detroit Avenue, Cleveland, Ohio, File No. 152 to expand the facilities of noncommercial

educational television station WVIZ, Channel 25, Cleveland, Ohio.

Kentucky State Board of Education, State Office Building, Frankfort, Ky., File No. 153 to activate a new noncommercial educational television station on Channel 53, Bowling Green, Ky.

Georgia State Board of Education, State Department of Education, Atlanta, Ga., File No. 154 to activate a new noncommercial educational television station on Channel 18, Chatsworth, Ga.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 66-7999; Filed, July 21, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17522; Order E-23953]

BONANZA AIR LINES, INC.

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1966.

Emergency application of Bonanza Air Lines, Inc., Docket 17522, for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

By telegraphic application, dated July 13, 1966, Bonanza Air Lines, Inc., has requested temporary emergency exemption authority to provide two daily round trips between Las Vegas, Nev., and Albuquerque, N. Mex., during the present strike emergency. Bonanza states that it has served its application on TWA, Continental, Frontier, Trans-Texas, and the cities of Albuquerque and Las Vegas.

No objections to the application have been received.

We have determined to grant Bonanza's application on the basis of considerations similar to those set forth in Order E-23928, July 9, 1966. There is presently no single-plane service in the Las Vegas-Albuquerque market, since the only carrier certificated to operate between these points is TWA, a struck carrier. Bonanza's application states that the proposed service is needed to support Atomic Energy Commission programs in Nevada and that Bonanza's application is supported by the official in charge of the AEC's operations at Albuquerque. Bonanza's operations will not obligate the Government to expend any additional subsidy since the carrier is willing to operate the proposed service on a subsidy ineligible basis.

On the basis of the foregoing, the Board concludes that enforcement of the provisions of Title IV of the Act, and the terms, conditions, and limitations of Bonanza's certificate to the extent that they would otherwise prevent the services authorized herein, would be an undue burden on Bonanza by virtue of the limited extent of and the unusual circumstances affecting its operations and is not in the public interest.

Accordingly, it is ordered, That:

1. Bonanza Air Lines, Inc., be and it hereby is exempted from Title IV of the Act, and the terms, conditions and limitations of its certificate of public convenience and necessity to the extent necessary to permit it to provide two daily round trips between Las Vegas, Nev., and Albuquerque, N. Mex.;

2. Services conducted pursuant to the exemption granted herein shall not be subsidized and mail payments therefor—if any—shall be limited to the service mail pay rate to be paid entirely by the Postmaster General under section 406(c) of the Act; [1] and

3. The authority granted herein shall be effective on date of this order and shall continue in effect until further order of the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-8006; Filed, July 21, 1966; 8:48 a.m.]

[Docket No. 17514; Order E-23943]

FRONTIER AIRLINES, INC.

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautic Board at its office in Washington, D.C., on the 12th day of July 1966.

Emergency exemption application of Frontier Airlines, Inc., Docket 17514, for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

By telegraphic application on July 12, 1966, Frontier Airlines, Inc. (Frontier), requests an exemption during the emergency created by the current airline strike from section 401 of the Act, and the terms, limitations and conditions of its certificate to the extent necessary to permit it to provide nonstop flights between Denver, Colo., and Las Vegas, Nev., and between Grand Junction, Colo., and Las Vegas.

In support of its application, Frontier alleges inter alia, that service provided by United Air Lines, Inc. (United), over these segments has ceased due to the strike and that Frontier is ready to immediately provide service with Convair 580 aircraft to replace that of United until the strike is terminated, on a nonsubsidy basis.

Western Air Lines, Inc., has been contacted and we have been advised that it interposes no objection.

Frontier is authorized by its certificate to serve both Denver and Grand Junction, and under recently issued emergency exemption orders it is authorized to operate nonstop between Denver and Grand Junction. The sole purpose of the present request is to permit Frontier to provide the service which United is unable to operate over two segments to Las Vegas, which city Frontier is not at present authorized to serve under its certificate. Substantial traffic moves between Denver and Grand Junction, on the one hand, and Las Vegas on the other, some of which is destined to or originates at California.

On the basis of the contentions set forth in Frontier's application and the general findings made in connection with the emergency situation created by the strike in Order E-23928, the Board concludes that the enforcement of the provisions of section 401 of the Act and the terms, limitations and conditions of its certificate of public convenience and necessity, to the extent that they would otherwise prevent the services authorized herein, would be an undue burden on Frontier by reason of the limited extent of and unusual circumstances affecting its operations and is not in the public interest.

Accordingly, it is ordered, That:

1. Frontier Airlines, Inc., be, and hereby is, exempted from section 401 of the Act and the terms, limitations and conditions of its certificate of public convenience and necessity to the extent necessary to permit it to provide unrestricted nonstop flights between Denver, Colo., and Las Vegas, Nev.; and between Grand Junction, Colo., and Las Vegas, Nev.;

2. Services conducted pursuant to the exemption granted herein shall not be subsidized and mail payments therefor, if any, shall be limited to the service mail pay rate to be paid entirely by the Postmaster General under section 406(c) of the Act;

3. The authority granted herein shall be effective on the date of issuance of this order and shall continue in effect until further order of the Board; and

4. Petitions for review of this order shall not stay the effective date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-8007; Filed, July 21, 1966; 8:48 a.m.]

[Docket No. 17427; Order E-23941]

PAN AMERICAN-GRACE AIRWAYS, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Order Granting Temporary Emergency Exemption and Approving Temporary Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1966.

[1] With respect to services performed hereunder, the upward ad hoc provision of Order E-23850 (sec. I, p. 7) shall obviously be inoperative.

Emergency exemption application of Pan American-Grace Airways, Inc., and Pan American World Airways, Inc., Docket 17427, CAB Agreement No. 737; for approval of temporary agreements and emergency temporary exemption authority pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

On June 21, 1966, Pan American-Grace Airways, Inc. (Panagra), and Pan American World Airways, Inc. (Pan American), jointly filed an application to permit the operation of two weekly round-trip nonstop flights between New York and Lima, Peru, and one weekly round-trip nonstop flight between New York and Balboa, Canal Zone. They request a temporary exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (Act), and the approval of temporary agreements between them by which the proposed flight operations would be governed under section 412 of the Act. It is requested that the authority remain in effect for a period of 90 days or until the authority is no longer required.

The Board granted nonstop overflight authority jointly to the applicants and National Airlines, Inc. (National), to provide New York-Lima service in Order E–23267, February 17, 1966, and granted similar nonstop authority jointly to the three carriers in respect to operations between New York and Balboa by Order E–23732, May 24, 1966. Panagra and Pan American allege that it has been impossible to operate the nonstop services authorized by the said orders because of a disagreement between National and its pilots, and that the disagreement has forced all flights scheduled as nonstop flights between New York and Balboa or Lima to stop at Miami for the purpose of changing crews.

On June 24, 1966, Braniff Airways, Inc. (Braniff), submitted an answer to the application stating that the authority should be granted jointly to Pan American and Panagra rather than to Pan American individually; that nonstop flights operated between New York and Balboa should be required to continue beyond Balboa to points south thereof on the system of Panagra; that the authorization should not have a duration longer than the 90-day period requested in the application; and that the Board should retain the right to summarily revoke, without notice or hearing, any authorization granted.

The answer of National, filed on June 28, 1966, alleges that the carrier does not oppose the application despite the fact that it would temporarily cease to participate in the overflight operations previously authorized to the three carriers. National also states that the inability of the three carriers to mount nonstop service as authorized is not solely the result of the failure of National to agree with its own pilots concerning the operation of such services. It believes that National pilots would agree to a formula providing that they could undertake some flying operations and not merely accept, as provided by the existing overflight agreements, which have been approved by the Board, payment in lieu of flying; and that Panagra would not agree to amend the agreement in such a fashion.

The Board will grant the authority requested by the joint applicants for a period of 90 days.

In Orders E–23267, February 17, 1966, and E–23732, May 24, 1966, the Board found that Panagra, Pan American, and National should be granted an exemption, and various agreements were approved, to permit nonstop operations between New York and Balboa, and New York and Lima. The substantive findings of those orders are equally applicable herein, and, therefore, will not be repeated. The only question remaining is whether the Board should, on a temporary basis, permit Panagra and Pan American to operate the services without reference to National. The Board finds, in view of the circumstances and the contentions of the parties, that the traveling public should not be deprived of services already authorized, and that Panagra and Pan American, which are ready, willing and able to conduct the services should not be prevented from doing so. The Board will, therefore, exempt Panagra and Pan American, pursuant to section 416(b) of the Act, from the provisions of Title IV of the Act, and the certificate authority held by each carrier, insofar as such provisions and certificate authority will preclude them from operating in accordance with the authority granted herein. Enforcement of Title IV and the provisions of said certificates would be an undue burden on Panagra and Pan American by reason of unusual circumstances affecting their operations and would not be in the public interest. Temporary Amendment No. 1 to Supplements Nos. 26 and 29 of the Through Flight Agreement will be approved under section 412 of the Act as not adverse to the public interest.

Accordingly, it is ordered, That:

1. Panagra and Pan American be, and hereby are exempted from Title IV of the Act and the provisions of certificates of public convenience and necessity of each carrier insofar as said title and such provisions would preclude:

(a) The operation of nonstop service between New York and Lima, Peru, not to exceed two weekly round-trip flights;

(b) The operation of nonstop service between New York and Balboa, Canal Zone, not to exceed one weekly round-trip flight: *Provided,* That the aircraft shall be required to continue beyond Balboa to a point south thereof on the system of Panagra; and

(c) That the operations described above shall be conducted in accordance with the terms and conditions of the agreement approved herein.

2. Temporary Amendment No. 1 to Supplements Nos. 26 and 29 of the Through Flight Agreement is approved as not adverse to the public interest insofar as the amendments are not inconsistent with the exemption authority set forth in (1) above;

3. The operations authorized herein may be conducted notwithstanding limitations in any outstanding exemption orders and Board approved agreements which would otherwise preclude such operations;

4. The exemption authority granted and the agreement approved herein shall be effective on the date of issuance of this order and shall continue in effect for 90 days or until National is able to participate in the overflights, whichever shall first occur;

5. Petitions for review of this order will not stay the effective date of this order; and

6. This order may be amended or revoked at any time at the discretion of the Board with or without a hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–8008; Filed, July 21, 1966; 8:48 a.m.]

[Docket No. 11143, etc.]

REOPENED DETROIT-CALIFORNIA NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceeding will be held on August 17, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 13, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 19, 1966.

WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 66–8009; Filed, July 21, 1966; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

GRENADA COUNTY, MISS.

Certifications of the Attorney General Pursuant to Section 6 of the Voting Rights Act of 1965 (Public Law 89–110)

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Grenada County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and

published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

NICHOLAS DEB. KATZENBACH,
Attorney General of the United States.

JULY 20, 1966.

[F.R. Doc. 66-8121; Filed, July 21, 1966; 10:57 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-42]

CARRIAGE OF MILITARY CARGO

Institution of Proceedings

On June 16, 1966, the Military Sea Transportation Services (MSTS) issued its Request For Proposals No. 100 (RFP 100) which effectuated the previously announced intention of MSTS to place the carirage of military cargo on a competitive bid basis. Under RFP 100 any U.S.-flag steamship line desiring to carry military cargo must submit its rates for this movement under seal and guarantee that the rates will remain in effect for 1 year. This "open ended" bid is called a Basic Offer. A carrier whose bid is accepted is awarded a so-called Shipping Agreement and it then becomes eligible to carry military cargo. The award of Shipping Agreement is not, however, an allocation or guarantee of any specific amount of cargo. However, any carrier who submits a Basic Offer may also bid on a "Cargo Commitment" which is a contract whereby MSTS agrees or commits itself to ship a minimum amount of cargo per sailing for a specified number of sailings. The total number of Cargo Commitments awarded, if any, would not commit in excess of 50 percent of the entire military movement nor would more than 50 percent of any one carrier's space be the subject of the contracts. The avowed purpose of MSTS in adopting the new procurement policy is to achieve savings in transportation costs through the reduced rates which it is hoped will be forthcoming under competitive bidding. The present rates on the movement in question are the result of "negotiations" between MSTS on the one hand and the U.S.-flag carriers acting concertedly as a group under a series of agreements approved by the Commission pursuant to section 15 of the Shipping Act, 1916. The present schedule of MSTS calls for bids to be submitted by August 10, 1966, to remain firm until August 31, 1966.

A total of 11 U.S.-flag carriers[1] have filed petitions seeking orders declaring the new procurement system under RFP 100[2] unlawful under the Shipping Act, 1916. It is the fear of the petitioning carrier's, just as it is the basic assumption upon which virtually all the allegations of unlawfulness are grounded however soundly, that the competitive bidding system will result in rates so low as to be noncompensatory—specifically it is feared that a 25-percent reduction from the present rates will result from the competitive bidding system if it is allowed to go into effect. Of course, no rates have as yet been fixed and no contracts have as yet been awarded under the new system. This fact alone dictates dismissal of the petitions as to certain of the allegations made therein. Thus, insofar as petitioners would have us declare that the new system is unlawful under sections 14 Fourth, 16 First, 17 and 18(b)(5) the petitions are, for the reasons set out below, premature, and do not present the Commission with a justiciable controversy.

Section 14 Fourth makes it unlawful for any common carrier by water to "make any unfair or unjustly discriminatory contract with any shipper based on volume of freight offered * * *." As we have already noted, no contracts have been awarded for any specific volume of freight at any fixed rate. Just how the Commission is to declare this nonexistent contract to be unjust or unfair as to unspecified parties is never satisfactorily explained by petitioners. The absence of a particular contract in being renders impossible any such declaration and to the extent that the petitions seek such a declaration under section 14 Fourth they are denied as premature and faling to present a justificable controversy.

Section 16 First makes it unlawful for a common carrier by water to give any undue or unreasonable preference or advantage to any person, locality or description of traffic or to subject any person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage. Petitioners, again assuming drastic reductions in rates because of the new bidding system, urge that such drastically reduced rates will violate section 16 First by preferring MSTS to the prejudice of all other shippers. Here again petitioners have not presented the Commission with anything it can act upon. It should be unnecessary to point out that before any rate can be declared unduly or unreasonably preferential or prejudicial you have to know what the rate is. Abstract "undueness" or "unreasonableness" is an impossible finding under the law, and the petitions to the extent that they seek such a finding under section 16 First are denied as premature for failing to present the Commission with a justiciable controversy. This conclusion is equally applicable to the allegations under section 17 which makes it unlawful for any common carrier by water in foreign commerce to "demand, collect, or charge any rate * * * which is unjustly discriminatory between shippers * * *." For any rate to be found discriminatory there must of course be such a rate and the petitions are denied insofar as they seek any determinations under section 17 of the Act.

Finally, section 18(b)(5) of the Act directs the Commission to disapprove any rate or charge filed by a common carrier by water in foreign commerce which, after hearing, it finds "to be so unreasonably high or low as to be detrimental to the commerce of the United States." The petitioners who raise this issue would appear to desire a kind of "two step" relief. First it would seem that the Commission should institute "an investigation * * * of rate levels in the various important military cargo trades with the aim of determining what level of rates would threaten extinction of irreplaceable United States flag shipping services." The result of this proceeding would apparently be the establishment of minimum rates to be charged by U.S.-flag carriers when tendering transportation for the military. Secondly, petitioners would have the Commission issue an order "declaring that establishment of noncompensatory rates under the new procurement policy would violate Section 18(b)(5)."

The question of the Commission's power, or lack of it, to establish across-the-board minimum rate levels for military cargo aside, the petitioners request for a general investigation of the level of rates in the "important" military cargo trades is decidedly premature. The petitioners here are not attacking the present level of rates, they are merely voicing apprehension over the rates that they and the other petitioners will themselves submit under the new procurement program. Even allowing for the substitution of competition for concerted action, the Commission as yet sees nothing to warrant the somewhat presumptuous assumption that the rates fixed under the program would be so low as to threaten the extinction of irreplaceable U.S. flag shipping services. Here again, there are simply no rates in issue to investigate. In the rather unlikely event that such rates are fixed the Commission would, of course, act with all possible dispatch to determine their validity under section 18(b)(5). As for the issuance of an order declaring the "establishment of noncompensatory rates under the new procurement policy would violate section 18(b)(5)," the Commission considers such an order improper on two grounds.

In the first place the impact of any rate be it noncompensatory or otherwise on the foreign commerce of the United States is a question of fact which involves the balancing of the multiple interests which are included in the concept of "the foreign commerce of the United States."

[1] Petitions for declaratory orders have been filed by States Marine Lines, Inc., Isthmian Lines, Inc., Global Bulk Transport, Inc., and Bloomfield Steamship Co., joining in a single petition filed June 28, 1966; by American Mail Line, Ltd., American President Lines, Ltd., Pacific Far East Line, Inc., States Steamship Co. and Waterman Steamship Corp., joining in a single petition filed June 30, 1966; by Lykes Brothers Steamship Co., single petition filed July 11, 1966; by United States Lines Co., single petition filed July 11, 1966, and by American Export Isbrandtsen Lines Inc., single petition filed July 11, 1966.

[2] Some petitioners challenge the validity of the MSTS Request For Proposals No. 101, dated May 25, 1966. RFP No. 101 is roughly equivalent to RFP 100. Resolution of the issues concerning No. 100 will be dispositive of the issues concerning No. 101. The date for submission of bids under No. 101 has been postponed indefinitely.

The mere fact that a given rate is "noncompensatory," whatever that may mean in a given case, does not a fortiori render it detrimental to commerce. We do not construe the petitions here as requesting an evidentiary hearing, which would in any event, as we have indicated above, be premature, and we do not consider the relief requested to involve only a pure question of law. Their relief therefore should be denied for this reason alone. But the petitions could be construed as requesting that the Commission declare that any rate on military cargo fixed by a U.S.-flag carrier which is so low as to insure that carrier's demise—presumably through bankruptcy—would also be so low as to be detrimental to commerce within the meaning of section 18(b)(5). If this is what is requested, the Commission does not deem the declaratory order process the proper vehicle for stating the obvious. Moreover, such a declaration would serve no useful purpose now, since petitioners themselves state that even with such a declaration, "Future proceeding would then be required to determine what level of rates in each trade would be noncompensatory." Sound principles of statutory construction militate against prophetic declarations in the abstract as to the meaning of particular language. This is particularly true where, as here, the declaration would still have to be followed by proceedings based on specific situations. These proceedings are the appropriate place to determine the proper construction to be given the statute. While it might be literally possible to make such a declaration the Commission will not do so.

Accordingly, for the reasons set forth above, the petitions for declaratory orders here under consideration are, to the extent they seek determinations under sections 14 Fourth, 16 First, 17 and 18(b)(5) are denied.

The petitions also challenge the validity of the new system under section 14b, the first paragraph of section 16 and section 16 Second. It is also urged by some of the petitioners that agreements to which they are parties signatory and which were approved under section 15 of the Act prohibit the response of these petitioners to the request for bids by MSTS.

Under section 14b petitioners assert that the Cargo Commitment is a contract "which provides lower rates to a shipper * * * who agrees to give all or any fixed portion of his patronage to such carrier * * * ." It is therefore, petitioners' allege a "dual rate" contract within the meaning of section 14b of the Act which, before its use is permitted, must be filed with and approved by the Commission. Additionally, some petitioners' assert that the "seal bid" requirement is an "unjust device or means" for "obtaining transportation at less than the regular rates or charges then established and enforced on the line of such carrier" because it is "essentially the same as a secret rebate." Moreover, contend petitioners' "post-contract publication of the rate does not ameliorate the effect of the concealment." Whatever may be the ultimate merit and validity of these assertions, the apparent seriousness with which they are made in view of the dire consequences predicted should they fail to prevail, the Commission will grant the petitions insofar as the three abovementioned issues are concerned.

In the present posture of the matter we see no need for the taking of evidence as the facts relevant to the resolution of the issues involved do not appear to be in dispute. The Commission views the issues as being capable of resolution solely on the basis of MSTS Request For Proposals No. 100, dated June 15, 1966, which shall be made a part of the record in this proceeding and the provisions of any agreements approved under section 15 of the Act which any of the parties deem relevant to their ability to respond to Request For Proposals No. 100; official notice will be taken of such agreements. Should any of the parties to the proceeding consider other facts relevant to the issues herein, they may together with their brief file an affidavit setting forth such facts and a statement of their relevance to the issue or issues in question. Should any other party dispute these facts by similar affidavit the disputed issues of fact, if relevant, will be set down for evidentiary hearing.

Now, therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine:

1. Whether the Cargo Commitment contract contemplated under the MSTS Request For Proposals No. 100 is a dual rate contract the approval of which by the Commission is required before its use may be permitted in the foreign commerce of the United States.

2. What, if any, specific provisions of approved section 15 Agreements would prohibit any of the carriers signatory thereto and parties to this proceeding from responding to the MSTS Request For Proposals No. 100 and if there are any whether they should be disapproved, canceled or modified under section 15.

3. Whether the requirement that bids submitted in response to the MSTS Request For Proposals be under seal and not disclosed by the bidder line constitutes an unjust device or means for obtaining or attempting to obtain transportation at less than the regular rates and charges then established and enforced on the line of such carrier.

It is further ordered, That the proceeding is limited to the submission of briefs, affidavits of fact and oral argument on the following schedule:

1. Opening briefs and affidavits of fact by July 25, 1966;

2. Reply briefs by August 1, 1966;

3. Oral argument on August 4, 1966.

An original and 15 copies of such briefs and affidavits are required and must be addressed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers must also be served upon all parties hereto.

Because of the asserted need for decision in this matter prior to the deadline for submission of bids on August 10, 1966, the Commission will render its decision in this matter no later than August 9, 1966.

It is further ordered, That the persons listed in the appendix hereto are made respondents to this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER, and a copy of this order be served upon respondents.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure, on or before July 20, 1966, with copy to respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX

American Mail Lines, 1010 Washington Building, Seattle, Wash. 98101.
American President Lines, 601 California Street, San Francisco, Calif. 94108.
Pacific Far East Lines, 141 Battery Street, San Francisco, Calif. 94111.
States Steamship Co., 320 California Street, San Francisco, Calif. 94104.
Lykes Bros. Steamship Co., Inc., 1300 Gravier Street, New Orleans, La. 70112.
United States Lines Co., One Broadway, New York, N.Y. 10004.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.
Vice Admiral Glynn R. Donaho, USN, Commander, Military Sea Transportation Service, 3800 Newark Street NW., Washington, D.C. 20930.
States Marine Lines, Inc., 90 Broad Street, New York, N.Y. 10004.
Global Bulk Transport, Inc., 90 Broad Street, New York, N.Y. 10004.
Isthmian Lines, Inc., 90 Broad Street, New York, N.Y. 10004.
Bloomfield Steamship Co., Post Office Box 1450, Houston, Tex. 77001.
Waterman Steamship Corp., 19 Rector Street, New York, N.Y. 10006.

[F.R. Doc. 66-8067; Filed, July 21, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project 2599]

CONSUMERS POWER CO.

Notice of Application for License for Constructed Project

JULY 15, 1966.

Public notice is hereby given that application has been filed for a license under the Federal Power Act (16 U.S.C. 791a–825r) by Consumers Power Co. (correspondence to: W. R. Boris, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201) for constructed Project No. 2599, known as the Hodenpyl Plant, located on the Manistee River in the counties of Manistee and Wexford, near the city of Manistee, and affecting lands of the United States within the Manistee National Forest.

The existing project consists of: (1) A hydraulic sand fill and concrete corewall dam about 4,270 feet long including the intake dam; an emergency fuse-plug

spillway section; and a fish chute (maximum height of the dam is about 78 feet); (2) a reservoir that at normal full pool elevation 809.5 feet extends about 9 miles upstream and has a surface area of approximately 2,025 acres (maximum fluctuation of the reservoir is generally limited to about 1 foot); (3) a powerhouse, integral with the dam, containing the intakes, the undersluice spillway conduits, and two 12,000 hp turbines each connected to a 9,000 kw generator; (4) a substation with three 7.2/138 kv transformers and 2,600 feet of 138 kv spur line; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 12, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7971; Filed, July 21, 1966; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg., Temporary Reg. F-8]

ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Delegation of Authority

To: Heads of Federal agencies.

1. *Purpose.* This regulation delegates authority to the Administrator, National Aeronautics and Space Administration, to represent the customer interest of the Federal Government in a transportation service proceeding.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4), 205(d), and 205(e), authority is delegated to the Administrator, National Aeronautics and Space Administration, to represent the interest of the executive agencies of the Federal Government before the Interstate Commerce Commission in a proceeding concerning the transportation of solid propellant rocket motors by motor carriers.

b. The Adminstrator, National Aeronautics and Space Administration, may redelegate this authority to any officer, official, or employee of the National Aeronautics and Space Administration.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

3. *Effective date.* This regulation is effective July 8, 1966.

4. *Expiration date.* Unless sooner revoked, this regulation expires with termination of the subject proceeding.

Dated: July 16, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-7992; Filed, July 21, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1967]

GREATER WASHINGTON INDUSTRIAL INVESTMENTS, INC.

Notice of Filing of Application

JULY 18, 1966.

Notice is hereby given that Greater Washington Industrial Investments, Inc. ("applicant"), 1725 K Street NW., Washington, D.C., a registered closed-end, nondiversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the issuance by Nuclear Science & Engineering Corp. ("NSEC") to applicant of $150,000 principal amount of 3-year, 8 percent notes and an option to acquire shares of NSEC. Applicant owns 7 percent of the outstanding voting shares of NSEC, and NSEC is, therefore, an affiliate of applicant under section 2(a)(3) of the Act.

Section 17 of the Act makes it unlawful for any affiliated person of a registered investment company to sell to, or purchase from, such registered company any security or borrow money from such registered company, unless the Commission upon application grants an exemption from such prohibition, after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant, a small business investment company, licensed under the Small Business Investment Act of 1958, holds $50,000 of NSEC's 5-year 8 percent debentures, convertible into common stock of NSEC at $7.50 per share. Applicant proposes to deliver to NSEC the $50,000 of debentures in addition to cash in the amount of $100,000 in exchange for NSEC's 8 percent 3-year notes in the amount of $150,000 plus a 5-year option to purchase 20,000 NSEC shares at $2.50 per share. NSEC will pledge to applicant all its tangible and intangible assets.

NSEC, a Delaware corporation with principal offices in Pittsburgh, Pa., is involved primarily in research of nuclear energy application; it also is engaged in the manufacture and sale of laboratory equipment related to the nuclear sciences as well as the production and sale of isotopes. NSEC operated for several years at an approximately break-even level; in 1965 it operated at a substantial loss. A new president, employed by NSEC in early 1966, determined, with the board of directors, that additional working capital was required. The proposed transactions are the result of arms-length negotiations between applicant and NSEC. Of the proceeds to be received, $50,000 will be used to retire present indebtedness to applicant; $26,000 will be used to retire all secured bank indebtedness; and $74,000 will be utilized for additional working capital. A director of applicant who is a shareholder of NSEC did not participate in applicant's decision to enter into the proposed transactions.

Notice is further given that any interested person may, not later than July 29, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-7996; Filed, July 21, 1966; 8:47 a.m.]

[File No. 812-1879]

KEYSTONE CUSTODIAN FUNDS, INC.

Notice of Filing of Application

JULY 18, 1966.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Applicant"), a Delaware corporation, as trustee of Keystone Custodian Fund Series B-3 ("B-3 Fund") and Series B-4 ("B-4 Fund"), 50 Congress Street, Boston 9, Mass., each registered under the Investment Com-

pany Act of 1940 ("Act") as a management open-end diversified investment company, has filed an application for an order pursuant to section 17(b) of the Act. Applicant seeks such an order to exempt from the provisions of section 17(a) of the Act the proposed transfer of substantially all of the assets of B–3 Fund to B–4 Fund in exchange for shares of the B–4 Fund having an aggregate net asset value equal to the value of the assets of B–3 Fund to be acquired by B–4 Fund. The Funds are affiliated persons of each other and the transfer of the assets of the B–3 Fund to the B–4 Fund in exchange for the latter's shares involves the purchase and sale of securities and other property by affiliated persons which is prohibited by section 17(a) of the Act unless an exemptive order is obtained. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

B–3 Fund and B–4 Fund, created in 1935, are common law trusts created by substantially identical trust agreements between Applicant as trustee and the investors of each of the Funds. Pursuant to the terms of the trust agreement, Applicant, as trustee, performs all of the investment, management and administrative services required by the Fund.

The value of the assets of the B–3 Fund and the per share net asset value of the B–4 Fund shares to be issued in exchange for the former's assets will be determined in the same manner as the asset value and net asset value per share as determined for the purposes of issuing and redeeming their respective shares. Such valuations are to be made on the closing date, on or about August 1, 1966.

As of May 31, 1966, the net assets of B–3 and B–4 Funds aggregated approximately $60,647,000 and $86,537,000 respectively. The per share net asset values of the B–3 Fund and the B–4 Fund were $17.58 and $10.74 respectively and if the exchange had been made as of May 31, 1966, shareholders of the B–3 Fund would have received about 1.637 shares of the B–4 Fund for each B–3 Fund share.

If the transfer had been accomplished on May 31, 1966, the unrealized appreciation per share of B–3 Fund would have been increased by $0.044. In view of the diminutive amount, no adjustment will be made for possible tax consequences of this additional unrealized appreciation.

Applicant contends that a major reason for combining the Funds is that the investment policies of the Funds are similar. Another reason is that until recently there has been an adequate supply of bonds whose investment characteristics were sufficiently diverse to permit them to be classified as appropriate investments for one fund or the other. As a result of changes in available investment media and increase in demand it is now no longer possible to find bonds which clearly qualify for one portfolio rather than the other. Although the investment policy of the B–4 Fund permits investments in more speculative securities than does the B–3 Fund, a B–4 Fund investor may expect a slightly better income return and capital performance. Thus, for the 12-month period ended May 31, 1966, the rate of return based on offering prices is 5.25 percent for B–3 Fund and 5.44 percent for B–4 Fund.

The management fees for both Funds are the same.

Applicant represents that the portfolio of B–3 Fund is entirely compatible with both the investment objectives and portfolio of B–4 Fund and states that of the approximately 80 issues in B–3 Fund's portfolio, 46 are also held in B–4 Fund's portfolio.

The consummation of the transfer is subject to approval by the holders of a majority of the outstanding shares of B–3 Fund. B–3 Fund has received a ruling from the Internal Revenue Service that the exchange will be on a tax free exchange basis. Applicant will pay the expenses to be incurred in connection with the combination of the two funds, including commissions on any portfolio securities required to be sold.

Promptly following the exchange, B–3 will distribute pro rata to its shareholders, upon the surrender of their shares, the shares of B–4 Fund. Thereafter the Applicant, as trustee, will terminate B–3 Fund.

Notice is hereby given that any interested person may, not later than July 29, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66–7997; Filed, July 21, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 981; Longhurst's Car Dist. Dir. 10–A]

KANSAS CITY SOUTHERN RAILWAY CO. AND CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO.

Boxcar Distribution

Upon further consideration of Pfahler's Car Distribution Direction No. 10 (Kansas City Southern Railway Co.; Chicago, Rock Island & Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) Pfahler's Car Distribution Direction No. 10 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This direction shall become effective at 9 a.m., July 18, 1966.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 18, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST,
Agent.

[F.R. Doc. 66–8010; Filed, July 21, 1966; 8:49 a.m.]

[S.O. 981; Longhurst's Car Dist. Dir. 12]

KANSAS CITY SOUTHERN RAILWAY CO. AND ILLINOIS CENTRAL RAILROAD CO.

Boxcar Distribution

Pursuant to section I (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate delivery specified in this direction shall No. 981.

It is ordered, That:

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions.

(a) The Kansas City Southern Railway Co. shall deliver to the Illinois Central Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships and cars included in Service Order No. 986.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The Kansas City Southern Railway Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The Illinois Central Railroad Co. must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., July 21, 1966.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., August 14, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That a copy of this direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 18, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST,
Agent.

[F.R. Doc. 66-8011; Filed, July 21, 1966; 8:49 a.m.]

[Notice 217]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 19, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107107 (Sub-No. 372 TA), filed July 14, 1966. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Post Office Box 458, Allapattah Station, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as defined by the Commission (except commodities in bulk, in tank vehicles), from the plantsite and warehouses of Sterling Colorado Beef Co. located at or near Sterling, Colo., to points in Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Box 1728, Sterling, Colo. 80751. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 108329 (Sub-No. 11 TA), filed July 14, 1966. Applicant: KATO, INC., Post Office Box 291, Route 3, Elizabethtown, Ky. 42701. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Magazines and periodicals,* from Cincinnati, Ohio, to Evansville, Ind., for 180 days. Supporting shippers: Paul C. Jacobs, Traffic Manager, Triangle Circulation Co., 431 North 15th Street, Philadelphia, Pa. 19130; Hubert C. Hammond, Manager, Loge News Co., Inc., 314 Northwest Eighth Street, Evansville, Ind. 47708. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 114552 (Sub-No. 30 TA), filed July 15, 1966. Applicant: SENN TRUCKING COMPANY, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Urethane insulation board,* from plantsite of Atlas Chemical Industries, Inc., Pennsauken, N.J., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, for 180 days. Supporting shipper: Atlas Chemical Industries, Inc., Wilmington, Del. 19899. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 118130 (Sub-No. 54 TA), filed July 15, 1966. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. 76134. Applicant's representative: Thomas F. Kilroy, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared frozen foods,* from Turlock, Calif., to points in Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Arizona, New Mexico, Colorado, and Texas, for 180 days. Supporting shipper: Robert S. Rice, director of transportation, Banquet Canning Co., 1221 Locust Street, St. Louis, Mo. 63103. Send protests to: Ralph Bezner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 816 T. & P. Building, Fort Worth, Tex. 76102.

No. MC 124692 (Sub-No. 20 TA), filed July 15, 1966. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Millwork and lumber,* from Dorchester, Laona, and Stoughton, Wis., and Iron Mountain and Wakefield, Mich., to points in Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Washington, and Oregon, for 180 days. Supporting shipper: T. W. Sommer Co., 3900 Sibley Memorial Highway, St. Paul, Minn. 55111. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-8012; Filed, July 21, 1966; 8:49 a.m.]

[Notice 1386]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 19, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68885. By order of July 14, 1966, the Transfer Board approved the transfer to Cushman Transports, Inc., Chicago, Ill., of that portion of the operating rights of Cushman Motor Delivery Co., a corporation, Chicago, Ill., in certificates Nos. MC–1187, MC–1187 (Sub-No. 8), MC–1187 (Sub-No. 9), MC–1187 (Sub-No. 10), MC–1187 (Sub-No. 11), MC–1187 (Sub-No. 12), MC–1187 (Sub-No. 16), MC–1187 (Sub-No. 17), MC–1187 (Sub-No. 19), and MC–1187 (Sub-No. 23), issued July 10, 1947, June 27, 1950, November 27, 1950, October 4, 1951, October 30, 1953, December 16, 1954, November 1, 1954, June 28, 1957, and October 27, 1960, respectively, authorizing the transportation, over regular and irregular routes, of commodities in bulk, between specified points or areas in Illinois, Ohio, Indiana, Michigan, Wisconsin, and Kentucky, varying as to specified regular or irregular routes, and of commodities in bulk, over alternate routes for operating convenience only in connection with said carrier's presently authorized regular route operations, between Detroit, Mich., and junction Michigan Highway 17 and U.S. Highway 112, west of Ypsilanti, Mich., between Elkhart, Ind., and Toledo, Ohio, between specified points in Indiana, commodities in bulk, over alternate routes, for operating convenience only in connection with carrier's presently authorized regular-route operations between Chicago and Detroit, between Benton Harbor, Mich., and Detroit, Mich., commodities in bulk, over an alternate route for operating convenience only, in connection with carrier's authorized operations over U.S. Highway 41, over a regular route, between Chicago, Ill., and the junction of Eden's Expressway and U.S. Highway 41 somewhat north of Lake Avenue. Jack Goodman, 39 South La Salle Street, Chicago, Ill., 60603, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–8013; Filed, July 21, 1966; 8:49 a.m.]

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